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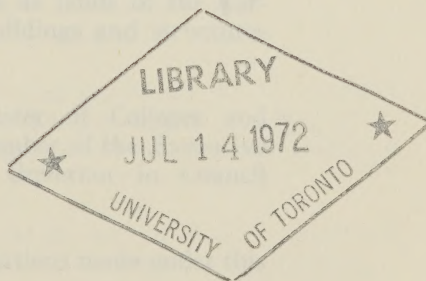
BILL 216

44
Government Bill
Government Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the McMichael Canadian Collection

THE HON. G. A. KERR
Minister of Colleges and Universities



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a non-share capital corporation, to be known as The McMichael Canadian Collection, to operate the McMichael Art Gallery.

The constitution of the board of trustees of the Corporation is set out, together with the powers and duties of the Board, and other related matters.

Provision is made for the guarantee by Ontario of loans to the Board for the purpose of carrying out its objects.

BILL 216

1972

An Act to establish the McMichael Canadian Collection

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means the board of trustees of the Corporation;
- (b) "collection" means the art works and objects vested in the Corporation or Her Majesty the Queen in right of Ontario and held by the Corporation for exhibition or display;
- (c) "Corporation" means The McMichael Canadian Collection;
- (d) "lands of the Corporation" means the lands described in the Schedule hereto together with any lands designated in the regulations as lands of the Corporation, and includes all buildings and structures thereon;
- (e) "Minister" means the Minister of Colleges and Universities or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) "regulations" means the regulations made under this Act.

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The McMichael Canadian Collection".

Seal

(2) The Corporation shall have a seal.

- Fiscal year (3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.
- R.S.O. 1970, c. 89, does not apply (4) *The Corporations Act* does not apply to the Corporation.
- Appointments to Board **3.**—(1) Subject to section 18, the Lieutenant Governor in Council shall appoint the trustees of the Corporation who shall be the members of the Corporation from time to time and its board of trustees.
- Number of trustees (2) The Board shall consist of not fewer than five and not more than nine trustees at any one time.
- Term of office (3) A trustee may be appointed for a term not exceeding three years, but may be reappointed for one or more further terms.
- Chairman and vice-chairman (4) The Lieutenant Governor in Council shall designate one of the trustees as chairman and one of the trustees as vice-chairman of the Board.
- Chairman to preside (5) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.
- Quorum (6) A majority of the trustees for the time being constitutes a quorum of the Board.
- Powers of Board **4.**—(1) The affairs of the Corporation shall be under the management and control of the Board, and the Board has all the powers necessary or convenient to perform its duties or to achieve the objects of the Corporation.
- By-laws (2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and *The Regulations Act* does not apply to any such by-law.
- R.S.O. 1970, c. 410
- Committees (3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.
- Director (4) Subject to section 18, the Board shall, with the approval of the Minister, appoint a director who may, but need not necessarily, be a trustee of the Board, and may with the approval of the Minister, remove the director, and the director shall be responsible for the management and administration of

the Corporation, subject to the supervision and direction of the Board.

(5) The Board may appoint such employees as it considers ^{Staff} necessary from time to time for the proper conduct of the business of the Corporation, and may fix and pay their salaries or other remuneration and benefits and provide for the retirement and superannuation of such employees.

5.—(1) The Corporation is for all purposes an agent of Her ^{Corporation} Majesty, and its powers may be exercised only as an agent of ^{Crown} Her Majesty ^{agency}.

(2) All real and personal property acquired by the Corpora- ^{Property} tion is the property of Her Majesty, and title thereto and ownership thereof may be vested in the name of Her Majesty or in the name of the Corporation.

6. The objects of the Corporation are, ^{Objects}

- (a) to hold, manage, control, maintain, exhibit, display, develop and stimulate interest in the collection for the benefit of the public;
- (b) to hold and preserve the lands described in the Schedule as a permanent site for a public gallery and related facilities for the collection;
- (c) to maintain and operate the gallery mentioned in clause *b*; and
- (d) to hold, manage, control, maintain, preserve, administer and develop the lands of the Corporation in conjunction with the operation of the gallery and for the benefit of the public.

7. The Board shall ensure that the art works and objects ^{Nature of art} acquired from time to time as part of the collection are not ^{works, etc.,} inconsistent with the general character of the collection at the ^{acquired} time of such acquisition.

8. The Corporation may, ^{Powers of}
^{Corporation}

- (a) acquire by purchase, gift, grant, bequest, lease or otherwise and hold in its own name any money and any property;
- (b) expend, administer or dispose of any such money or property in furtherance of its objects, subject to the terms, if any, upon which such money or property

was given, granted, bequeathed, leased or otherwise acquired by the Corporation;

- (c) with the approval of the Lieutenant Governor in Council, erect buildings and structures on the lands of the Corporation;
- (d) establish and operate facilities on the lands of the Corporation for,
 - (i) the sale of food, beverages, books, art reproductions, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) with the approval of the Lieutenant Governor in Council, establish and collect general admission fees and special admission fees for any exhibition, program or special event conducted by the Corporation, and fees for the parking of vehicles;
- (f) loan any part of the collection to any person for public exhibition, provided that at all times a substantial part of the collection shall be on exhibition at the Corporation gallery;
- (g) conduct exhibitions, programs and special events on the lands of the Corporation;
- (h) borrow money for the purposes of carrying out the objects of the Corporation where a guarantee is provided under section 13;
- (i) enter into agreements in furtherance of the objects of the Corporation or for the purpose of carrying out any of the powers of the Corporation;
- (j) provide for the interment, in that portion of the lands of the Corporation established as a cemetery under *The Cemeteries Act*, of the remains of any artist whose works are included in the collection, or of the remains of the spouse of any such artist.

R.S.O. 1970,
c. 57

Special
fund

9.—(1) The Board shall establish and maintain a special fund which shall consist of,

- (a) all moneys received by the Corporation expressly for allocation thereto;
- (b) all moneys received from the sale of any art work belonging to the Corporation;

(c) all net profits from the sale of books, art reproductions, copyrights, artifacts and other wares by the Corporation; and

(d) the income of the special fund.

(2) The Board may invest the moneys deposited in the special fund but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario. ^{Investment}

(3) The Corporation shall not expend any of the moneys in the special fund except for investment under subsection 2 or for the acquisition of art works and objects for the collection. ^{Expenditures}

10.—(1) The Board shall establish and maintain a general fund which shall consist of grants receivable under this Act and such moneys, other than moneys referred to in subsection 1 of section 9, received by the Corporation from any source. ^{General fund}

(2) The Corporation may disburse, expend or otherwise deal with any of its general fund for the purposes of the objects of the Corporation, other than that of acquiring works of art and objects for the collection, and for the purpose of defraying any expenses incurred in carrying out such objects. ^{Expenditures}

11.—(1) Subject to subsection 2, a trustee shall not receive remuneration for his services but shall be reimbursed out of the general fund of the Corporation for his proper travelling and other expenses incurred in the work of the Board. ^{Remuneration, trustees}

(2) The director of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation. ^{Idem, director}

12. The Minister may make grants of money to the Corporation upon such terms and conditions as he considers advisable. ^{Grants}

13.—(1) The Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Corporation. ^{Guarantee of loans}

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the ^{Form of guarantee}

loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

**Payment of
guarantee**

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

**Tax
exemption**

14. The real and personal property vested in the Corporation and any lands and premises leased to or occupied by the Corporation are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Corporation.

Audit

15. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

**Annual
report**

16. The Board shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

17.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any lands acquired by the Corporation as lands of the Corporation;
- (b) governing and regulating the conduct of persons on the lands of the Corporation;
- (c) governing and regulating vehicular traffic on the lands of the Corporation, and prohibiting the use of any class or classes of vehicles thereon; and
- (d) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.

**Robert
McMichael
and Signe
McMichael**

18. Notwithstanding anything in this Act,

- (a) Robert McMichael shall be a trustee of the Board until such time as he is unable or unwilling to be a trustee;

- (b) Signe McMichael shall be a trustee of the Board until such time as she is unable or unwilling to be a trustee;
- (c) the said Robert McMichael shall be the director and shall hold such office during pleasure of the Lieutenant Governor in Council;
- (d) the said Robert McMichael and Signe McMichael are each entitled for life to reside in the premises situate on the lands described in the Schedule, and the Board shall make due provision therefor; and
- (e) the said Robert McMichael and Signe McMichael are each entitled to have their remains interred in the cemetery referred to in clause *j* of section 8, and the Board shall make provision therefor.

19. The moneys required for the purposes of section 12 ^{Moneys} shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named ^{Commence-} by the Lieutenant Governor by his proclamation. ^{ment}

21. This Act may be cited as *The McMichael Canadian* ^{Short title} *Collection Act, 1972.*

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Vaughan, in The Regional Municipality of York (formerly in the Township of Vaughan, in the County of York) and Province of Ontario, being composed of part of Lot Twenty-three in the Eighth concession in the said Town of Vaughan, the boundaries of which said parcel may more particularly be described as follows, and

PREMISING that the Eastern limit of the said Lot Twenty-three has a governing bearing of North 8°24'00" West, and relating all bearings quoted herein thereto;

PARCEL "A"

COMMENCING at an iron bar planted in the existing Northerly limit of the said Lot Twenty-three, distant 716.66 feet measured Westerly thereon from a standard iron bar planted marking the Northeasterly angle of the said Half Lot;

THENCE South 73°43'40" West along the last said existing limit 715.16 feet, more or less, to an iron tube found planted at an angle therein;

THENCE South 72°32'50" West continuing along the last said limit 73.12 feet, more or less, to an iron tube found planted at the intersection thereof with the centre line of the easement to The Hydro-Electric Power Commission of Ontario;

THENCE South 1°40'10" East along the said centre line 698.26 feet to an iron bar planted;

THENCE North 81°22'20" East 587.54 feet to an iron bar planted;

THENCE North 42°54'30" East 450.11 feet to an iron bar planted;

THENCE North 16°45'30" West 524.69 feet, more or less, to the point of commencement.

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Westerly 75.00 feet, measured at right angles of the hereinbefore described Parcel "A" and which said Parcel contains by admeasurement 13,801 acres more or less, as shown on Plan of Survey by A. Death, OLS, January 8, 1959.

PARCEL "B"

COMMENCING at an iron tube found planted in the centre line of the easement to The Hydro-Electric Power Commission of Ontario, which line defines the Westerly limit of the above described parcel, the said iron tube is distant 679.48 feet measured Northerly therealong said centre line from its intersection with the existing limit between Lots Twenty-two and Twenty-three;

THENCE South 72°30'40" West, 1840.67 feet to an iron tube found planted in the Easterly limit of the Kleinberg Road;

THENCE North 30°07'20" West along the last said limit 25.64 feet to an iron tube found planted in the same;

THENCE North 72°30'40" East, 1853.35 feet to an iron tube found planted in the centre line of said Hydro-Electric Power Commission easement;

THENCE South $1^{\circ}40'10''$ East along the last said line, 25.98 feet, more or less, to the point of commencement;

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Easterly 75.00 feet, measured at right angles of the hereinbefore described Parcel "B" and which said parcel is shown on Plan of Survey by A. Death, OLS, January 8, 1959.

*An Act to establish the
McMichael Canadian Collection*

1st Reading

June 28th, 1972

2nd Reading

3rd Reading

THE HON. G. A. KERR
Minister of Colleges and Universities

(Government Bill)

BILL 216

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the McMichael Canadian Collection

THE HON. J. MCNIE
Minister of Colleges and Universities



BILL 216

1972

**An Act to establish
the McMichael Canadian Collection**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means the board of trustees of the Corporation;
- (b) "collection" means the art works and objects vested in the Corporation or Her Majesty the Queen in right of Ontario and held by the Corporation for exhibition or display;
- (c) "Corporation" means The McMichael Canadian Collection;
- (d) "lands of the Corporation" means the lands described in the Schedule hereto together with any lands designated in the regulations as lands of the Corporation, and includes all buildings and structures thereon;
- (e) "Minister" means the Minister of Colleges and Universities or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) "regulations" means the regulations made under this Act.

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The McMichael Canadian Collection".

McMichael
Canadian
Collection
established

- (2) The Corporation shall have a seal.

Seal

Fiscal year	(3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.
R.S.O. 1970, c. 89, does not apply	(4) <i>The Corporations Act</i> does not apply to the Corporation.
Appointments to Board	3. —(1) Subject to section 18, the Lieutenant Governor in Council shall appoint the trustees of the Corporation who shall be the members of the Corporation from time to time and its board of trustees.
Number of trustees	(2) The Board shall consist of not fewer than five and not more than nine trustees at any one time.
Term of office	(3) A trustee may be appointed for a term not exceeding three years, but may be reappointed for one or more further terms.
Chairman and vice-chairman	(4) The Lieutenant Governor in Council shall designate one of the trustees as chairman and one of the trustees as vice-chairman of the Board.
Chairman to preside	(5) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.
Quorum	(6) A majority of the trustees for the time being constitutes a quorum of the Board.
Powers of Board	4. —(1) The affairs of the Corporation shall be under the management and control of the Board, and the Board has all the powers necessary or convenient to perform its duties or to achieve the objects of the Corporation.
By-laws	(2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and <i>The Regulations Act</i> does not apply to any such by-law.
R.S.O. 1970, c. 410	
Committees	(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.
Director	(4) Subject to section 18, the Board shall, with the approval of the Minister, appoint a director who may, but need not necessarily, be a trustee of the Board, and may with the approval of the Minister, remove the director, and the director shall be responsible for the management and administration of

the Corporation, subject to the supervision and direction of the Board.

(5) The Board may appoint such employees as it considers ^{Staff} necessary from time to time for the proper conduct of the business of the Corporation, and may fix and pay their salaries or other remuneration and benefits and provide for the retirement and superannuation of such employees.

5.—(1) The Corporation is for all purposes an agent of Her ^{Corporation} Majesty, and its powers may be exercised only as an agent of ^{Crown} Her Majesty ^{agency}.

(2) All real and personal property acquired by the Corpora- ^{Property} tion is the property of Her Majesty, and title thereto and ownership thereof may be vested in the name of Her Majesty or in the name of the Corporation.

6. The objects of the Corporation are, ^{Objects}

- (a) to hold, manage, control, maintain, exhibit, display, develop and stimulate interest in the collection for the benefit of the public;
- (b) to hold and preserve the lands described in the Schedule as a permanent site for a public gallery and related facilities for the collection;
- (c) to maintain and operate the gallery mentioned in clause *b*; and
- (d) to hold, manage, control, maintain, preserve, administer and develop the lands of the Corporation in conjunction with the operation of the gallery and for the benefit of the public.

7. The Board shall ensure that the art works and objects ^{Nature of art} acquired from time to time as part of the collection are not ^{works, etc.,} inconsistent with the general character of the collection at the ^{acquired} time of such acquisition.

8. The Corporation may, ^{Powers of} Corporation

- (a) acquire by purchase, gift, grant, bequest, lease or otherwise and hold in its own name any money and any property;
- (b) expend, administer or dispose of any such money or property in furtherance of its objects, subject to the terms, if any, upon which such money or property

was given, granted, bequeathed, leased or otherwise acquired by the Corporation;

- (c) with the approval of the Lieutenant Governor in Council, erect buildings and structures on the lands of the Corporation;
- (d) establish and operate facilities on the lands of the Corporation for,
 - (i) the sale of food, beverages, books, art reproductions, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) with the approval of the Lieutenant Governor in Council, establish and collect general admission fees and special admission fees for any exhibition, program or special event conducted by the Corporation, and fees for the parking of vehicles;
- (f) loan any part of the collection to any person for public exhibition, provided that at all times a substantial part of the collection shall be on exhibition at the Corporation gallery;
- (g) conduct exhibitions, programs and special events on the lands of the Corporation;
- (h) borrow money for the purposes of carrying out the objects of the Corporation where a guarantee is provided under section 13;
- (i) enter into agreements in furtherance of the objects of the Corporation or for the purpose of carrying out any of the powers of the Corporation;
- (j) provide for the interment, in that portion of the lands of the Corporation established as a cemetery under *The Cemeteries Act*, of the remains of any artist whose works are included in the collection, or of the remains of the spouse of any such artist.

R.S.O. 1970,
c. 57

Special
fund

9.—(1) The Board shall establish and maintain a special fund which shall consist of,

- (a) all moneys received by the Corporation expressly for allocation thereto;
- (b) all moneys received from the sale of any art work belonging to the Corporation;

(c) all net profits from the sale of books, art reproductions, copyrights, artifacts and other wares by the Corporation; and

(d) the income of the special fund.

(2) The Board may invest the moneys deposited in the special fund but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario. ^{Investment}

(3) The Corporation shall not expend any of the moneys in the special fund except for investment under subsection 2 or for the acquisition of art works and objects for the collection. ^{Expenditures}

10.—(1) The Board shall establish and maintain a general fund which shall consist of grants receivable under this Act and such moneys, other than moneys referred to in subsection 1 of section 9, received by the Corporation from any source. ^{General fund}

(2) The Corporation may disburse, expend or otherwise deal with any of its general fund for the purposes of the objects of the Corporation, other than that of acquiring works of art and objects for the collection, and for the purpose of defraying any expenses incurred in carrying out such objects. ^{Expenditures}

11.—(1) Subject to subsection 2, a trustee shall not receive remuneration for his services but shall be reimbursed out of the general fund of the Corporation for his proper travelling and other expenses incurred in the work of the Board. ^{Remuneration, trustees}

(2) The director of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation. ^{Idem, director}

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13.—(1) The Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Corporation. ^{Guarantee of loans}

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the ^{Form of guarantee}

loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

**Payment of
guarantee**

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

**Tax
exemption**

14. The real and personal property vested in the Corporation and any lands and premises leased to or occupied by the Corporation are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Corporation.

Audit

15. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

**Annual
report**

16. The Board shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

17.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any lands acquired by the Corporation as lands of the Corporation;
- (b) governing and regulating the conduct of persons on the lands of the Corporation;
- (c) governing and regulating vehicular traffic on the lands of the Corporation, and prohibiting the use of any class or classes of vehicles thereon; and
- (d) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.

**Robert
McMichael
and Signe
McMichael**

18. Notwithstanding anything in this Act,

- (a) Robert McMichael shall be a trustee of the Board until such time as he is unable or unwilling to be a trustee;

- (b) Signe McMichael shall be a trustee of the Board until such time as she is unable or unwilling to be a trustee;
- (c) the said Robert McMichael shall be the director and shall hold such office during pleasure of the Lieutenant Governor in Council;
- (d) the said Robert McMichael and Signe McMichael are each entitled for life to reside in the premises situate on the lands described in the Schedule, and the Board shall make due provision therefor; and
- (e) the said Robert McMichael and Signe McMichael are each entitled to have their remains interred in the cemetery referred to in clause *j* of section 8, and the Board shall make provision therefor.

19. The moneys required for the purposes of section 12 ^{Moneys} shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named ^{Commence-} by the Lieutenant Governor by his proclamation. ^{ment}

21. This Act may be cited as *The McMichael Canadian* ^{Short title} *Collection Act, 1972.*

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Vaughan, in The Regional Municipality of York (formerly in the Township of Vaughan, in the County of York) and Province of Ontario, being composed of part of Lot Twenty-three in the Eighth concession in the said Town of Vaughan, the boundaries of which said parcel may more particularly be described as follows, and

PREMISING that the Eastern limit of the said Lot Twenty-three has a governing bearing of North 8°24'00" West, and relating all bearings quoted herein thereto;

PARCEL "A"

COMMENCING at an iron bar planted in the existing Northerly limit of the said Lot Twenty-three, distant 716.66 feet measured Westerly thereon from a standard iron bar planted marking the Northeasterly angle of the said Half Lot;

THENCE South 73°43'40" West along the last said existing limit 715.16 feet, more or less, to an iron tube found planted at an angle therein;

THENCE South 72°32'50" West continuing along the last said limit 73.12 feet, more or less, to an iron tube found planted at the intersection thereof with the centre line of the easement to The Hydro-Electric Power Commission of Ontario;

THENCE South 1°40'10" East along the said centre line 698.26 feet to an iron bar planted;

THENCE North 81°22'20" East 587.54 feet to an iron bar planted;

THENCE North 42°54'30" East 450.11 feet to an iron bar planted;

THENCE North 16°45'30" West 524.69 feet, more or less, to the point of commencement.

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Westerly 75.00 feet, measured at right angles of the hereinbefore described Parcel "A" and which said Parcel contains by admeasurement 13,801 acres more or less, as shown on Plan of Survey by A. Death, OLS, January 8, 1959.

PARCEL "B"

COMMENCING at an iron tube found planted in the centre line of the easement to The Hydro-Electric Power Commission of Ontario, which line defines the Westerly limit of the above described parcel, the said iron tube is distant 679.48 feet measured Northerly therealong said centre line from its intersection with the existing limit between Lots Twenty-two and Twenty-three;

THENCE South 72°30'40" West, 1840.67 feet to an iron tube found planted in the Easterly limit of the Kleinberg Road;

THENCE North 30°07'20" West along the last said limit 25.64 feet to an iron tube found planted in the same;

THENCE North 72°30'40" East, 1853.35 feet to an iron tube found planted in the centre line of said Hydro-Electric Power Commission easement;

THENCE South $1^{\circ}40'10''$ East along the last said line, 25.98 feet, more or less, to the point of commencement;

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Easterly 75.00 feet, measured at right angles of the hereinbefore described Parcel "B" and which said parcel is shown on Plan of Survey by A. Death, OLS, January 8, 1959.

An Act to establish the
McMichael Canadian Collection

1st Reading

June 28th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 23rd, 1972

THE HON. J. MCNIÉ
Minister of Colleges and Universities

CA20N

XB

-B 56

Government
Publication

BILL 217

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Business Corporations Act

Mr. Roy



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to prevent corporations from forcing persons to submit their finger prints in exchange for the right to shop at stores owned by the corporation.

BILL 217

1972

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

20a.—(1) Subject to subsection 2, no corporation shall require a person to submit a finger print as part of a contract for goods or services supplied by the corporation.

(2) A corporation may require a finger print to be submitted by a person where,

(a) payment for the goods and services supplied by the corporation is to be by means of a cheque; and

(b) the person is not able to supply any other form of identification other than a finger print.

20b.—(1) Where a finger print is submitted under subsection 2 of section 20a, the finger print shall be used only to verify the identification of the person submitting the finger print and shall be returned to that person after the verification has been made.

(2) No copy either by photocopying, xerox or any other means of copying shall be made of a finger print submitted under subsection 2 of section 20a.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

An Act to amend
The Business Corporations Act

1st Reading

June 28th, 1972

2nd Reading

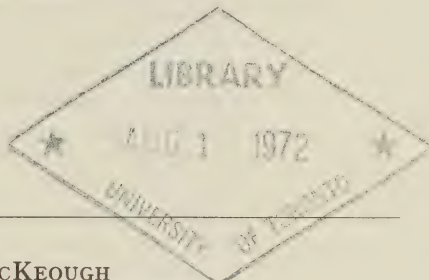
3rd Reading

Mr. Roy

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act for granting to Her Majesty certain sums of
money for the Public Service for the fiscal year
ending the 31st day of March, 1973**



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

BILL 218

1972

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1973, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue ^{\$6,125,217,500} Fund a sum not exceeding in the whole \$6,125,217,500 to be ^{granted for} applied towards defraying the several charges and expenses ^{fiscal year} of the public service, not otherwise provided for, from the 1st ¹⁹⁷²⁻⁷³ day of April, 1972, to the 31st day of March, 1973, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, ^{Exception} 1973, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1972*.

SCHEDULE

Office of Lieutenant Governor.....	\$ 55,000
Office of the Premier.....	975,000
Office of the Cabinet.....	1,589,000
Management Board.....	2,502,000
Civil Service Commission.....	3,557,000
Office of the Provincial Auditor.....	1,161,000
Ministry of Government Services.....	153,190,000
Ministry of Revenue.....	210,783,000
Ministry of Treasury, Economics and Inter- governmental Affairs.....	169,338,000
Ministry of the Attorney General.....	55,394,300
Ministry of Consumer and Commercial Relations	24,039,200
Ministry of Correctional Services.....	72,943,000
Ministry of the Solicitor General.....	75,348,000
Ministry of Agriculture and Food.....	81,313,000
Ministry of the Environment.....	106,181,000
Ministry of Industry and Tourism.....	38,453,000
Ministry of Labour.....	10,845,000
Ministry of Natural Resources.....	125,607,000
Ministry of Transportation and Communications	593,699,000
Ministry of Colleges and Universities.....	719,597,000
Ministry of Community and Social Services...	427,505,000
Ministry of Education.....	1,222,998,000
Ministry of Health.....	2,028,145,000
	<hr/>
	\$ 6,125,217,500
	<hr/>

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

1st Reading

June 29th, 1972

2nd Reading

June 29th, 1972

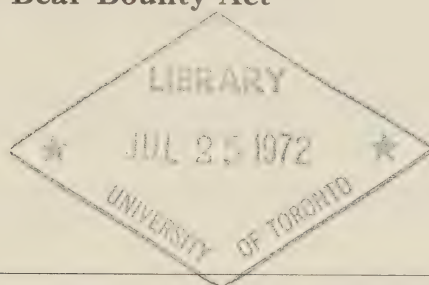
3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to repeal
The Wolf and Bear Bounty Act**



THE HON. L. BERNIER
Minister of Natural Resources

EXPLANATORY NOTE

Self-explanatory.

BILL 219

1972

An Act to repeal The Wolf and Bear Bounty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Wolf and Bear Bounty Act*, being chapter 500 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 500,
repealed

(2) Section 89 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, is repealed. 1971 Act,
amended

2. Any sum to which the corporation of a county or any person is entitled to receive from the Province of Ontario under *The Wolf and Bear Bounty Act* in respect of a wolf killed on or after the 1st day of April, 1972 and before this Act comes into force shall be paid out of the Consolidated Revenue Fund. Payment of
bounty
R.S.O. 1970,
c. 500

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Wolf and Bear Bounty Repeal Act, 1972*. Short title

An Act to repeal
The Wolf and Bear Bounty Act

1st Reading

June 30th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

CA20N
XB
-B 56

BILL 219

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to repeal
The Wolf and Bear Bounty Act**

THE HON. L. BERNIER
Minister of Natural Resources



BILL 219

1972

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2. Any sum to which the corporation of a county or any person is entitled to receive from the Province of Ontario under *The Wolf and Bear Bounty Act* in respect of a wolf killed on or after the 1st day of April, 1972 and before this Act comes into force shall be paid out of the Consolidated Revenue Fund. Payment of
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R.S.O. 1970,
c. 500

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Wolf and Bear Bounty Repeal Act, 1972*. Short title

An Act to repeal
The Wolf and Bear Bounty Act

1st Reading

June 30th, 1972

2nd Reading

November 21st, 1972

3rd Reading

November 23rd, 1972

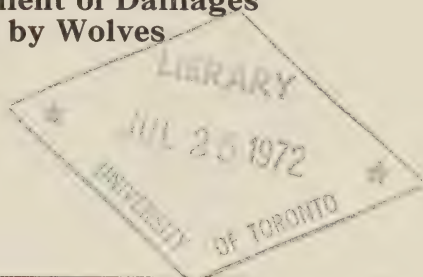
THE HON. L. BERNIER
Minister of Natural Resources

BILL 220

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

**An Act respecting the Payment of Damages
Caused to Live Stock by Wolves**



THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Interpretation.

SECTION 2. This section provides for the payment of compensation for live stock injured or killed by wolves, subject to maximum payments and deduction of payment from other sources.

BILL 220

1972

An Act respecting the Payment of Damages Caused to Live Stock by Wolves

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "district forester" means the official of the Ministry designated as the district forester for the administrative district of the Ministry in which the live stock in respect of which an application is made under this Act was killed or injured;
- (b) "live stock" means cattle, goats, horses, sheep, swine or poultry that are maintained in accordance with the practice of good husbandry;
- (c) "Minister" means the Minister of Natural Resources;
- (d) "Ministry" means the Ministry of Natural Resources;
- (e) "regulations" means the regulations made under this Act;
- (f) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.*

2.—(1) Where death of or injury to live stock is caused by a wolf, the owner of the live stock may make an application for compensation to the district forester in the manner prescribed by the regulations.

Application
for com-
pensation

(2) Subject to subsections 3, 4 and 5, the district forester may, in respect of an application made under subsection 1, pay to the applicant such amount as the district forester considers reasonable, but not exceeding the market value of the live stock in respect of which payment is made.

Payment
of com-
pensation

Amount of
payment
limited

(3) No payment shall be made under subsection 2 of an amount in respect of,

(a) a head of cattle in excess of \$500;

(b) a goat in excess of \$100;

(c) a horse in excess of \$500;

(d) a sheep in excess of \$100;

(e) a head of swine in excess of \$100; or

(f) poultry of one owner, killed or injured in any year, in excess of \$500.

Reduction
in payment
by reason of
insurance

(4) Where an applicant is entitled to receive an amount under a contract of insurance against loss by reason of the death of or injury to live stock or under a by-law passed under subsection 3 of section 13 of *The Dog Tax and Live Stock and Poultry Protection Act*, in respect of the live stock for which he has made application under subsection 1, the district forester shall apply an amount equal to that amount in reduction of any payment under subsection 2.

R.S.O. 1970,
c. 133

No payment
of compensa-
tion

(5) No payment shall be made under subsection 2 in respect of an animal that died or was injured as a result of infection attributed to the bite of a wolf.

Hearing

3.—(1) Before refusing to pay compensation to an applicant or before paying compensation in an amount less than the amount applied for, the district forester shall cause an officer in the Ministry to hold a hearing to which the applicant shall be a party.

Report

(2) The officer holding a hearing under subsection 1 shall make a report to the district forester of his findings of fact and law at the hearing.

Application
of 1971, c. 47,
ss. 6-16, 21-23

(3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Decision
after
hearing

(4) After considering the report of the officer holding a hearing under this section, the district forester may refuse to pay compensation or may award such compensation as he considers proper and shall give his reasons for his decision to the applicant.

SECTION 3. Provision is made for hearings and appeals.

SECTION 4. This section provides for the appointment of valuers.

SECTION 5. Self-explanatory.

SECTION 6. Offences are created for applying for compensation on more than one occasion and for false information.

SECTION 7. This provision is made for the making of regulations.

(5) An applicant who has been refused compensation or who is not satisfied with the amount of the compensation awarded by the district forester may, within thirty days of the mailing of the reasons for the decision of the district forester, appeal to the Minister from the decision and the Minister shall consider the report of the officer holding the hearing and of the district forester and may refuse to pay compensation or award such compensation as he considers proper.

4. The Lieutenant Governor in Council may appoint persons to act as valuers for the purpose of this Act and may declare persons appointed under section 2 of *The Hunter Damage Compensation Act* to be such valuers.

Appeal
to the
Minister

Appointment
of valuers

R.S.O. 1970,
c. 215

5. The moneys required for the purposes of this Act shall be payable until the 31st day of March, 1973, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Moneys
required
for Act

6.—(1) No person shall apply for compensation under this Act in respect of an animal in respect of which an application for compensation under this Act has theretofore been made.

Prohibited
application

(2) No person shall make a false or misleading statement in an application under this Act.

False
information

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offences

7.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing the manner of making an application for compensation;
- (b) prescribing the conditions under which an application for compensation may be paid;
- (c) prescribing the conditions under which compensation may be paid;
- (d) prescribing forms and providing for their use;
- (e) prescribing the duties of valuers.

(2) Any regulation may be limited territorially or as to time or otherwise.

Regulations
may be
limited

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wolf Damage to Live Stock Compensation Act, 1972*.

An Act respecting the Payment of
Damages Caused to Live Stock by Wolves

1st Reading

June 30th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

BILL 220

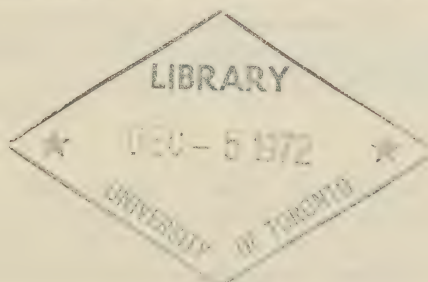
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting the Payment of Damages
Caused to Live Stock by Wolves**

THE HON. L. BERNIER
Minister of Natural Resources

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Interpretation.

SECTION 2. This section provides for the payment of compensation for live stock injured or killed by wolves, subject to maximum payments and deduction of payment from other sources.

An Act respecting the Payment of Damages Caused to Live Stock by Wolves

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "district forester" means the official of the Ministry designated as the district forester for the administrative district of the Ministry in which the live stock in respect of which an application is made under this Act was killed or injured;
- (b) "live stock" means cattle, goats, horses, sheep, swine or poultry that are maintained in accordance with the practice of good husbandry;
- (c) "Minister" means the Minister of Natural Resources;
- (d) "Ministry" means the Ministry of Natural Resources;
- (e) "regulations" means the regulations made under this Act;
- (f) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.*

2.—(1) Where death of or injury to live stock is caused by a wolf, the owner of the live stock may make an application for compensation to the district forester in the manner prescribed by the regulations.

Application
for com-
pensation

(2) Subject to subsections 3, 4 and 5, the district forester may, in respect of an application made under subsection 1, pay to the applicant such amount as the district forester considers reasonable, but not exceeding the market value of the live stock in respect of which payment is made.

Payment
of com-
pensation

Amount of
payment
limited

(3) No payment shall be made under subsection 2 of an amount in respect of,

(a) a head of cattle in excess of \$500;

(b) a goat in excess of \$100;

(c) a horse in excess of \$500;

(d) a sheep in excess of \$100;

(e) a head of swine in excess of \$100; or

(f) poultry of one owner, killed or injured in any year, in excess of \$500.

Reduction
in payment
by reason of
insurance

R.S.O. 1970,
c. 133

(4) Where an applicant is entitled to receive an amount under a contract of insurance against loss by reason of the death of or injury to live stock or under a by-law passed under subsection 3 of section 13 of *The Dog Tax and Live Stock and Poultry Protection Act*, in respect of the live stock for which he has made application under subsection 1, the district forester shall apply an amount equal to that amount in reduction of any payment under subsection 2.

No payment
of compensa-
tion

(5) No payment shall be made under subsection 2 in respect of an animal that died or was injured as a result of infection attributed to the bite of a wolf.

Hearing

3.—(1) Before refusing to pay compensation to an applicant or before paying compensation in an amount less than the amount applied for, the district forester shall cause an officer in the Ministry to hold a hearing to which the applicant shall be a party.

Report

(2) The officer holding a hearing under subsection 1 shall make a report to the district forester of his findings of fact and law at the hearing.

Application
of 1971, c. 47,
ss. 6-16, 21-23

(3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Decision
after
hearing

(4) After considering the report of the officer holding a hearing under this section, the district forester may refuse to pay compensation or may award such compensation as he considers proper and shall give his reasons for his decision to the applicant.

SECTION 3. Provision is made for hearings and appeals.

SECTION 4. This section provides for the appointment of valuers.

SECTION 5. Self-explanatory.

SECTION 6. Offences are created for applying for compensation on more than one occasion and for false information.

SECTION 7. This provision is made for the making of regulations.

(5) An applicant who has been refused compensation or who is not satisfied with the amount of the compensation awarded by the district forester may, within thirty days of the mailing of the reasons for the decision of the district forester, appeal to the Minister from the decision and the Minister shall consider the report of the officer holding the hearing and of the district forester and may refuse to pay compensation or award such compensation as he considers proper.

Appeal
to the
Minister

4. The Lieutenant Governor in Council may appoint persons to act as valuers for the purpose of this Act and may declare persons appointed under section 2 of *The Hunter Damage Compensation Act* to be such valuers.

Appointment
of valuers
R.S.O. 1970,
c. 215

5. The moneys required for the purposes of this Act shall be payable until the 31st day of March, 1973, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Moneys
required
for Act

6.—(1) No person shall apply for compensation under this Act in respect of an animal in respect of which an application for compensation under this Act has theretofore been made.

Prohibited
application

(2) No person shall make a false or misleading statement in an application under this Act.

False
information

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offences

7.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing the manner of making an application for compensation;
- (b) prescribing the conditions under which an application for compensation may be made;
- (c) prescribing the conditions under which compensation may be paid;
- (d) prescribing forms and providing for their use;
- (e) prescribing the duties of valuers.

(2) Any regulation may be limited territorially or as to time or otherwise.

Regulations
may be
limited

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wolf Damage to Live Stock Compensation Act, 1972*.

An Act respecting the Payment of
Damages Caused to Live Stock by Wolves

1st Reading

June 30th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

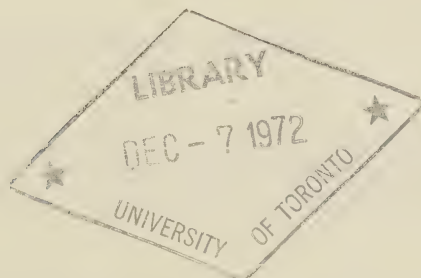
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 220

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting the Payment of Damages
Caused to Live Stock by Wolves**

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 220

1972

An Act respecting the Payment of Damages Caused to Live Stock by Wolves

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1. In this Act,

Interpre-
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- (a) “district forester” means the official of the Ministry designated as the district forester for the administrative district of the Ministry in which the live stock in respect of which an application is made under this Act was killed or injured;
- (b) “live stock” means cattle, goats, horses, sheep, swine or poultry that are maintained in accordance with the practice of good husbandry;
- (c) “Minister” means the Minister of Natural Resources;
- (d) “Ministry” means the Ministry of Natural Resources;
- (e) “regulations” means the regulations made under this Act;
- (f) “wolf” means any of the species *Canis lupus L.* or *Canis latrans Say.*

2.—(1) Where death of or injury to live stock is caused by a wolf, the owner of the live stock may make an application for compensation to the district forester in the manner prescribed by the regulations.

(2) Subject to subsections 3, 4 and 5, the district forester may, in respect of an application made under subsection 1, pay to the applicant such amount as the district forester considers reasonable, but not exceeding the market value of the live stock in respect of which payment is made.

Amount of
payment
limited

(3) No payment shall be made under subsection 2 of an amount in respect of,

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(e) a head of swine in excess of \$100; or

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in payment
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R.S.O. 1970,
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Hearing

3.—(1) Before refusing to pay compensation to an applicant or before paying compensation in an amount less than the amount applied for, the district forester shall cause an officer in the Ministry to hold a hearing to which the applicant shall be a party.

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Application
of 1971, c. 47,
ss. 6-16, 21-23

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Decision
after
hearing

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4. The Lieutenant Governor in Council may appoint persons to act as valuers for the purpose of this Act and may declare persons appointed under section 2 of *The Hunter Damage Compensation Act* to be such valuers.

5. The moneys required for the purposes of this Act shall be payable until the 31st day of March, 1973, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

6.—(1) No person shall apply for compensation under this Act in respect of an animal in respect of which an application for compensation under this Act has theretofore been made.

(2) No person shall make a false or misleading statement in an application under this Act.

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

7.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner of making an application for compensation;
- (b) prescribing the conditions under which an application for compensation may be made;
- (c) prescribing the conditions under which compensation may be paid;
- (d) prescribing forms and providing for their use;
- (e) prescribing the duties of valuers.

(2) Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

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Short title

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An Act respecting the Payment of
Damages Caused to Live Stock by Wolves

1st Reading

June 30th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 23rd, 1972

THE HON. L. BERNIER
Minister of Natural Resources

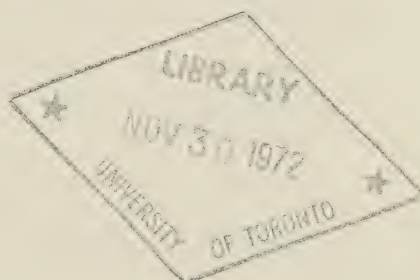
BILL 221

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO .
21 ELIZABETH II, 1972

An Act to amend The Income Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides that the provincial rate of income tax will remain at 30.5 per cent of federal tax payable for 1973. The remaining provisions of the Bill are concerned with clarification of the effects of the property tax credit introduced last June as part of *The Income Tax Act*.

SECTION 1—Subsection 1. The rate of 30.5 per cent that applied in 1972 is continued for 1973.

Subsection 2. The amendment ensures that a taxpayer's foreign tax credit is taken into account before the deduction that he is entitled to on account of his property tax credit.

SECTION 2. The re-enactment of section 6*b* of the Act makes certain minor changes in wording and adds subsections to clarify the intent of the original enactment.

Subsection 1 contains definitions of terms used. The definitions of "municipal tax" and "occupancy cost" have been altered to ensure that only rent or property tax paid for occupation during 1972 and subsequent years will be taken into account in determining a person's property tax credit. A definition of "individual" has been added to make it clear that corporations, trusts or estates may not claim the property tax credit.

Subsection 2 provides for the deduction of the property tax credit from the provincial tax.

Subsection 3 limits to \$25 the occupancy cost for any portion of the year in which a full-time student resides in a prescribed students' residence.

Subsection 4 makes it clear that the estate of a deceased person will be able to claim a part of the property tax credit for the portion of the year during which he was alive.

Subsection 5 makes it clear that if the property tax credit exceeds the provincial tax, the excess will be paid to the taxpayer unless he owes taxes to the Government, and in that case the amount of the credit will be used to meet that obligation.

Subsection 6 provides that where a principal taxpayer has successively occupied more than one principal residence in the year, his occupancy cost for each principal residence is prorated according to the length of time that he occupied each residence.

Subsection 7 allocates the occupancy cost of property among the owners or tenants of the property where the owners or tenants reside on that property.

Subsection 8 permits a tenant who furnishes work or services to his landlord instead of paying rent to include in calculating his occupancy cost the value of the rent that he does not pay, but only to the extent that this benefit is also included in computing his income for tax purposes.

BILL 221

1972

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972 and 1973 taxation years.

(2) Subsection 7 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

(7) For the purposes of subsection 6,

Definitions

(*a*) the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act; and

(*b*) the expressions “tax payable by him under this Act” and “tax otherwise payable under this Act” refer to the tax calculated under this Act without the deduction authorized by subsection 2 of section 6*b*.

2. Section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 100, section 4, is repealed and the following substituted therefor:

6b.—(1) In this section,

- (a) “housing unit” includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include any premises that are part of any charitable institution, home for special care, home for the aged, private nursing home or public nursing home that is prescribed in the regulations;
- (b) “individual” does not include a trust or estate as defined in subsection 1 of section 104 of the Federal Act;
- (c) “municipal tax” means,
 - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
 - (ii) taxes levied for local improvements to real property in Ontario,
 - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
 - (iv) such other taxes or special rates as are prescribed in the regulations,

but “municipal tax” does not include any tax or rate that was payable prior to the 1st day of January, 1972;

- (d) “occupancy cost” means,
 - (i) municipal tax paid in the taxation year by a principal taxpayer or by his spouse in respect of a principal residence of the principal taxpayer, or
 - (ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer or by his spouse for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and to exclude all pay-

ments of rent for occupation prior to the 1st day of January, 1972, but this subclause does not apply to any principal taxpayer if he or his spouse, while paying rent for his principal residence, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason;

- (e) “principal residence” means a housing unit in Ontario that is either owned by or rented to the principal taxpayer or his spouse, and that was during the taxation year occupied by the principal taxpayer as his principal residence, and that is designated by the principal taxpayer in prescribed manner as a principal residence of his in the taxation year;
 - (f) “principal taxpayer” means an individual who on the last day of the taxation year occupies and inhabits a principal residence except when that individual on the last day of the taxation year occupies and inhabits a principal residence with his spouse, in which case “principal taxpayer” means that spouse who has the higher taxable income for the taxation year, but “principal taxpayer” does not include any individual under the age of 16 years on the last day of the taxation year, or any individual under the age of 21 years on the last day of the taxation year who resides in a principal residence of and is claimed as a dependant by another taxpayer in that taxation year.
- (2) A principal taxpayer may deduct from the tax ^{Property tax credit} otherwise payable by him under this Act for the taxation year an amount equal to the least of,
- (a) where his occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer for the taxation year;
 - (b) where his occupancy cost is less than \$90 in the taxation year, his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer in the taxation year; or
 - (c) \$250.

Deemed
occupancy
cost for
students

- (3) Where, during the taxation year, the principal residence of a principal taxpayer who is a full-time student at a college, university or school of nursing is in a students' residence that is prescribed in the regulations, the occupancy cost for every principal taxpayer so resident shall be deemed to be \$25 for that portion of the taxation year during which a prescribed students' residence was the principal residence of the principal taxpayer.

Deceased
taxpayer's
credit

- (4) Where an individual dies in the taxation year having had a principal residence immediately before his death, and he or his spouse has paid any rental or municipal tax in relation to the principal residence, the legal representative of such deceased individual may claim from the tax otherwise payable under this Act for the portion of the taxation year during which the deceased lived the deduction that could have been claimed under subsection 2 in relation to the amount so paid by the deceased or by his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

Refund

- (5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act calculated without reference to this section shall be paid by the Treasurer to the principal taxpayer unless the principal taxpayer is indebted for tax, interest or penalties under this Act or the Federal Act for a prior taxation year, and in such case, the amount shall be applied by the Treasurer to reduce and, if possible, to discharge such indebtedness, and any part of the amount not so applied shall be paid to the principal taxpayer.

Occupancy
cost for
two or more
principal
residences

- (6) Where a principal taxpayer has occupied more than one principal residence in the taxation year, he shall, in calculating his occupancy cost, take into account only that portion of his total occupancy cost in the taxation year for each principal residence that is in the same ratio to his total occupancy cost in the taxation year for that principal residence as the number of days in the taxation year that the principal taxpayer occupied that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no

principal taxpayer shall claim occupancy cost for more than one principal residence during the same period of time.

- (7) Where two or more principal taxpayers, either jointly or in common, own or rent a principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal taxpayer according to his beneficial ownership of the principal residence or according to the portion of the rent for the principal residence that each principal taxpayer paid in the taxation year, as the case may be.
- (8) Where a principal taxpayer, instead of paying full ^{Imputed rent}rent for the occupation of a principal residence that he does not own, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer receives from paying less than full rent may, for the purposes of determining his occupancy cost, be included by the principal taxpayer as part of the rent that he has paid with respect to the principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the principal taxpayer's income for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by the principal taxpayer.

3. This Act comes into force on the day it receives Royal ^{Commence-}Assent and applies with respect to the 1972 and subsequent ^{ment}taxation years.

4. This Act may be cited as *The Income Tax Amendment* ^{Short title}*Act, 1972 (No. 2)*.

An Act to amend
The Income Tax Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

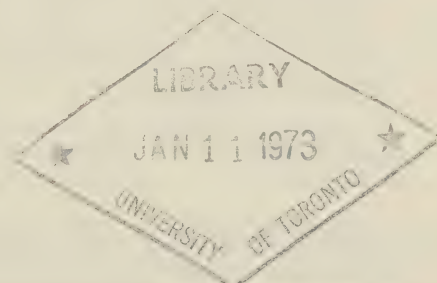
(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Income Tax Act

THE HON. A. GROSSMAN
Minister of Revenue

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides that the provincial rate of income tax will remain at 30.5 per cent of federal tax payable for 1973. The remaining provisions of the Bill are concerned with clarification of the effects of the property tax credit introduced last June as part of *The Income Tax Act*.

SECTION 1—Subsection 1. The rate of 30.5 per cent that applied in 1972 is continued for 1973.

Subsection 2. The amendment ensures that a taxpayer's foreign tax credit is taken into account before the deduction that he is entitled to on account of his property tax credit.

SECTION 2. The re-enactment of section 6*b* of the Act makes certain minor changes in wording and adds subsections to clarify the intent of the original enactment.

Subsection 1 contains definitions of terms used. The definitions of "municipal tax" and "occupancy cost" have been altered to ensure that only rent or property tax paid for occupation during 1972 and subsequent years will be taken into account in determining a person's property tax credit. A definition of "individual" has been added to make it clear that corporations, trusts or estates may not claim the property tax credit.

Subsection 2 provides for the deduction of the property tax credit from the provincial tax.

Subsection 3 limits to \$25 the occupancy cost for any portion of the year in which a full-time student resides in a prescribed students' residence.

Subsection 4 makes it clear that the estate of a deceased person will be able to claim a part of the property tax credit for the portion of the year during which he was alive.

Subsection 5 makes it clear that if the property tax credit exceeds the provincial tax, the excess will be paid to the taxpayer unless he owes taxes to the Government, and in that case the amount of the credit will be used to meet that obligation.

Subsection 6 provides that where a principal taxpayer has successively occupied more than one principal residence in the year, his occupancy cost for each principal residence is prorated according to the length of time that he occupied each residence.

Subsection 7 allocates the occupancy cost of property among the owners or tenants of the property where the owners or tenants reside on that property.

Subsection 8 permits a tenant who furnishes work or services to his landlord instead of paying rent to include in calculating his occupancy cost the value of the rent that he does not pay, but only to the extent that this benefit is also included in computing his income for tax purposes.

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1972

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(*h*) 30.5 per cent in respect of the 1972 and 1973 taxation years.

(2) Subsection 7 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

(7) For the purposes of subsection 6,

Definitions

- (*a*) the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act; and
- (*b*) the expressions “tax payable by him under this Act” and “tax otherwise payable under this Act” refer to the tax calculated under this Act without the deduction authorized by subsection 2 of section 6*b*.

2. Section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 100, section 4, is repealed and the following substituted therefor:

6b.—(1) In this section,

- (a) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include any premises that are part of any charitable institution, home for special care, home for the aged, private nursing home or public nursing home that is prescribed in the regulations;
- (b) "individual" does not include a trust or estate as defined in subsection 1 of section 104 of the Federal Act;
- (c) "municipal tax" means,
 - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
 - (ii) taxes levied for local improvements to real property in Ontario,
 - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
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R.S.O. 1970,
cc. 370, 256

but "municipal tax" does not include any tax or rate that was payable prior to the 1st day of January, 1972;

- (d) "occupancy cost" means,
 - (i) municipal tax paid in the taxation year by a principal taxpayer or by his spouse in respect of a principal residence of the principal taxpayer, or
 - (ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer or by his spouse for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and to exclude all pay-

ments of rent for occupation prior to the 1st day of January, 1972, but this subclause does not apply to any principal taxpayer if he or his spouse, while paying rent for his principal residence, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason;

- (e) “principal residence” means a housing unit in Ontario that is either owned by or rented to the principal taxpayer or his spouse, and that was during the taxation year occupied by the principal taxpayer as his principal residence, and that is designated by the principal taxpayer in prescribed manner as a principal residence of his in the taxation year;
 - (f) “principal taxpayer” means an individual who on the last day of the taxation year occupies and inhabits a principal residence except when that individual on the last day of the taxation year occupies and inhabits a principal residence with his spouse, in which case “principal taxpayer” means that spouse who has the higher taxable income for the taxation year, but “principal taxpayer” does not include any individual under the age of 16 years on the last day of the taxation year, or any individual under the age of 21 years on the last day of the taxation year who resides in a principal residence of and is claimed as a dependant by another taxpayer in that taxation year.
- (2) A principal taxpayer may deduct from the tax ^{Property tax credit} otherwise payable by him under this Act for the taxation year an amount equal to the least of,
- (a) where his occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer for the taxation year;
 - (b) where his occupancy cost is less than \$90 in the taxation year, his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer in the taxation year; or
 - (c) \$250.

Deemed
occupancy
cost for
students

- (3) Where, during the taxation year, the principal residence of a principal taxpayer who is a full-time student at a college, university or school of nursing is in a students' residence that is prescribed in the regulations, the occupancy cost for every principal taxpayer so resident shall be deemed to be \$25 for that portion of the taxation year during which a prescribed students' residence was the principal residence of the principal taxpayer.

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- (4) Where an individual dies in the taxation year having had a principal residence immediately before his death, and he or his spouse has paid any rental or municipal tax in relation to the principal residence, the legal representative of such deceased individual may claim from the tax otherwise payable under this Act for the portion of the taxation year during which the deceased lived the deduction that could have been claimed under subsection 2 in relation to the amount so paid by the deceased or by his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

Refund

- (5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act calculated without reference to this section shall be paid by the Treasurer to the principal taxpayer unless the principal taxpayer is indebted for tax, interest or penalties under this Act or the Federal Act for a prior taxation year, and in such case, the amount shall be applied by the Treasurer to reduce and, if possible, to discharge such indebtedness, and any part of the amount not so applied shall be paid to the principal taxpayer.

Occupancy
cost for
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principal
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- (6) Where a principal taxpayer has occupied more than one principal residence in the taxation year, he shall, in calculating his occupancy cost, take into account only that portion of his total occupancy cost in the taxation year for each principal residence that is in the same ratio to his total occupancy cost in the taxation year for that principal residence as the number of days in the taxation year that the principal taxpayer occupied that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no

principal taxpayer shall claim occupancy cost for more than one principal residence during the same period of time.

- (7) Where two or more principal taxpayers, either ^{Joint occupation of principal residence} jointly or in common, own or rent a principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal taxpayer according to his beneficial ownership of the principal residence or according to the portion of the rent for the principal residence that each principal taxpayer paid in the taxation year, as the case may be.
- (8) Where a principal taxpayer, instead of paying full ^{Imputed rent} rent for the occupation of a principal residence that he does not own, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer receives from paying less than full rent may, for the purposes of determining his occupancy cost, be included by the principal taxpayer as part of the rent that he has paid with respect to the principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the principal taxpayer's income for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by the principal taxpayer.
- (9) Notwithstanding clause *f* of subsection 1, if an individual occupies and inhabits with his spouse a ^{Deemed principal taxpayer} principal residence on the last day of the taxation year, and if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer.

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An Act to amend
The Income Tax Act

1st Reading

November 21st, 1972

2nd Reading

December 8th, 1972

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 221

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Income Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



BILL 221

1972

An Act to amend The Income Tax Act

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Definitions

- (*a*) the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act; and
- (*b*) the expressions “tax payable by him under this Act” and “tax otherwise payable under this Act” refer to the tax calculated under this Act without the deduction authorized by subsection 2 of section 6*b*.

2. Section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 100, section 4, is repealed and the following substituted therefor:

6b.—(1) In this section,

(a) “housing unit” includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include any premises that are part of any charitable institution, home for special care, home for the aged, private nursing home or public nursing home that is prescribed in the regulations;

(b) “individual” does not include a trust or estate as defined in subsection 1 of section 104 of the Federal Act;

(c) “municipal tax” means,

(i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,

(ii) taxes levied for local improvements to real property in Ontario,

(iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and

(iv) such other taxes or special rates as are prescribed in the regulations,

but “municipal tax” does not include any tax or rate that was payable prior to the 1st day of January, 1972;

(d) “occupancy cost” means,

(i) municipal tax paid in the taxation year by a principal taxpayer or by his spouse in respect of a principal residence of the principal taxpayer, or

(ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer or by his spouse for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and to exclude all pay-

ments of rent for occupation prior to the 1st day of January, 1972, but this subclause does not apply to any principal taxpayer if he or his spouse, while paying rent for his principal residence, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason;

- (e) "principal residence" means a housing unit in Ontario that is either owned by or rented to the principal taxpayer or his spouse, and that was during the taxation year occupied by the principal taxpayer as his principal residence, and that is designated by the principal taxpayer in prescribed manner as a principal residence of his in the taxation year;
 - (f) "principal taxpayer" means an individual who on the last day of the taxation year occupies and inhabits a principal residence except when that individual on the last day of the taxation year occupies and inhabits a principal residence with his spouse, in which case "principal taxpayer" means that spouse who has the higher taxable income for the taxation year, but "principal taxpayer" does not include any individual under the age of 16 years on the last day of the taxation year, or any individual under the age of 21 years on the last day of the taxation year who resides in a principal residence of and is claimed as a dependant by another taxpayer in that taxation year.
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- (a) where his occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer for the taxation year;
 - (b) where his occupancy cost is less than \$90 in the taxation year, his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer in the taxation year; or
 - (c) \$250.

Deemed
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- (3) Where, during the taxation year, the principal residence of a principal taxpayer who is a full-time student at a college, university or school of nursing is in a students' residence that is prescribed in the regulations, the occupancy cost for every principal taxpayer so resident shall be deemed to be \$25 for that portion of the taxation year during which a prescribed students' residence was the principal residence of the principal taxpayer.

Deceased
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credit

- (4) Where an individual dies in the taxation year having had a principal residence immediately before his death, and he or his spouse has paid any rental or municipal tax in relation to the principal residence, the legal representative of such deceased individual may claim from the tax otherwise payable under this Act for the portion of the taxation year during which the deceased lived the deduction that could have been claimed under subsection 2 in relation to the amount so paid by the deceased or by his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

Refund

- (5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act calculated without reference to this section shall be paid by the Treasurer to the principal taxpayer unless the principal taxpayer is indebted for tax, interest or penalties under this Act or the Federal Act for a prior taxation year, and in such case, the amount shall be applied by the Treasurer to reduce and, if possible, to discharge such indebtedness, and any part of the amount not so applied shall be paid to the principal taxpayer.

Occupancy
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- (6) Where a principal taxpayer has occupied more than one principal residence in the taxation year, he shall, in calculating his occupancy cost, take into account only that portion of his total occupancy cost in the taxation year for each principal residence that is in the same ratio to his total occupancy cost in the taxation year for that principal residence as the number of days in the taxation year that the principal taxpayer occupied that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no

principal taxpayer shall claim occupancy cost for more than one principal residence during the same period of time.

- (7) Where two or more principal taxpayers, either Joint occupation of principal residence jointly or in common, own or rent a principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal taxpayer according to his beneficial ownership of the principal residence or according to the portion of the rent for the principal residence that each principal taxpayer paid in the taxation year, as the case may be.
- (8) Where a principal taxpayer, instead of paying full Imputed rent rent for the occupation of a principal residence that he does not own, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer receives from paying less than full rent may, for the purposes of determining his occupancy cost, be included by the principal taxpayer as part of the rent that he has paid with respect to the principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the principal taxpayer's income for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by the principal taxpayer.
- (9) Notwithstanding clause *f* of subsection 1, if an in- Deemed principal taxpayerdividual occupies and inhabits with his spouse a principal residence on the last day of the taxation year, and if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer.

3. This Act comes into force on the day it receives Royal Commence- Assent and applies with respect to the 1972 and subsequent ment taxation years.

4. This Act may be cited as *The Income Tax Amendment* Short title *Act, 1972 (No. 2)*.

An Act to amend
The Income Tax Act

1st Reading

November 21st, 1972

2nd Reading

December 8th, 1972

3rd Reading

December 15th, 1972

THE HON. A. GROSSMAN
Minister of Revenue

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Motor Vehicle Fuel Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill clarifies the application of a number of sections of the Act and adds to the Act provisions to permit the examination of motor vehicles with a fuel capacity of more than 40 gallons to ensure that the tax imposed by the Act is being paid on the fuel used. The Bill further provides for assessment and appeal procedures where the amount of tax is disputed. The Bill will also provide for the issue of certificates of exemption to farmers and commercial fisherman so that they can obtain fuel exempt from tax rather than paying the tax and subsequently applying for a full refund of the tax.

SECTION 1. "Fuel" is redefined to make it clear that any substance that is added to fuel becomes fuel, and that the resulting mixture is liable to tax. The definition also makes it clear that gasoline and aviation fuel which are taxed under *The Gasoline Tax Act* are not fuels liable to tax under this Act.

SECTION 2. Subsections 3 and 4 of section 3, as enacted by the Bill, make it clear that fuel acquired outside Ontario is liable to tax when it is used in Ontario.

Subsection 5 of section 3 is re-enacted in substantially the same form as it appears in the Act at present.

Subsection 6, as re-enacted, contains penalties for failing to pay the tax imposed by the Act, and subsection 8 imposes a penalty on a person who is not a registrant, but who, contrary to the Act, sells fuel on which tax is payable.

Subsection 9 provides for the examination of the records of a person who, contrary to the Act, supplies fuel that becomes taxable, but is not a registrant.

BILL 222

1972

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Motor Vehicle Fuel Tax Act*, ^{s. 1 (a), re-enacted} being chapter 282 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 14, section 1, is repealed and the following substituted therefor:

- (a) “fuel” means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,
 - (i) any product that is excluded from this Act by the regulations and to which subsection 5 of section 3 does not apply,
 - (ii) gasoline on which the tax imposed by *The* ^{R.S.O. 1970, c. 190} *Gasoline Tax Act* has been paid, or
 - (iii) aviation fuel on which the tax imposed by *The Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft.

2. Subsections 3, 4, 5 and 6 of section 3 of the said Act are ^{s. 3 (3-6), re-enacted} repealed and the following substituted therefor:

- (3) Subject to subsection 5, the tax imposed by subsection 1 shall be paid at the time the fuel is supplied to the purchaser or, where the fuel is acquired by the purchaser outside Ontario, at the time such fuel is used in Ontario, and the tax imposed by subsection 2 shall be paid in accordance with section 9. Payment of tax

Security
for tax

- (4) Where a purchaser uses in Ontario fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of some one authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of fuel on which the tax imposed by this Act has not been paid, and in the event that the tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

Payment
of tax

- (5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank, such product thereupon becomes taxable as fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer directly or through any registrant.

Penalty

- (6) Every person who knowingly fails to pay the tax imposed by subsection 1, 2 or 5 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000.

Idem

- (7) Every person who fails to comply with subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (8) Every person who is not a registrant and who knowingly supplies or makes available to a purchaser fuel that becomes taxable under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax imposed by this Act on the fuel that he has supplied or made available to a purchaser plus an amount that is not less than \$100 and not more than \$5,000.

Examination
of books, etc.

- (9) Where it is established to the satisfaction of the Minister that a person who is not a registrant has supplied or made available to a purchaser fuel that becomes taxable under this Act, any person thereunto authorized by the Minister may enter upon the business premises of such person who is not a registrant and may audit and examine the books, records

and accounts of such person to ascertain the amount of fuel that has been supplied under subsection 8 and the amount of tax that is payable with respect thereto.

3. Subsection 1 of section 4 of the said Act is amended by ^{s. 4 (1), amended} striking out "on the portion of such fuel in excess of forty imperial gallons" in the sixth line.

4. The said Act is amended by adding thereto the following ^{s. 4a, enacted} section:

4a.—(1) For the purpose of ascertaining that the tax ^{Detention and} imposed by this Act has been paid on fuel in the ^{examination of motor vehicle} fuel tank of a motor vehicle, or for the purpose of ascertaining whether any tax imposed by this Act on such fuel is payable, any person thereunto authorized by the Minister may detain any motor vehicle in Ontario that has a fuel tank that is capable of holding more than forty imperial gallons and may examine such motor vehicle and the fuel contained in any fuel tank thereof, and may demand proof that the tax imposed by this Act for the fuel in the fuel tank of such motor vehicle has been paid.

(2) Every operator of a motor vehicle that may be de- ^{Penalty} tained under subsection 1 who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to permit the examination of the fuel used in such motor vehicle, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 for each offence.

5. Subsection 2 of section 9 of the said Act is amended ^{s. 9 (2), amended} by striking out "the rate of 7 per cent per annum" in the fourth line and inserting in lieu thereof "such rate as is prescribed in the regulations".

6.—(1) Subsections 1, 2 and 3 of section 10 of the said Act ^{s. 10 (1-3), re-enacted} are repealed and the following substituted therefor:

(1) If the Minister, in order for him to assess the tax ^{Minister may demand information} collectable by a registrant or of the tax payable by a registrant or purchaser under this Act or for any other purpose, desires any information or additional information, or a return from a registrant or purchaser who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the registrant or purchaser, or from the president,

manager, secretary, or any director, agent or representative of any registrant or purchaser, such information, additional information or return, and the person upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production
of letters,
accounts, etc.

- (2) The Minister may, by registered letter, require the production under oath or otherwise by any registrant or purchaser, or by the president, manager, secretary, or any director, agent or representative of any registrant or purchaser, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of such registrant or purchaser, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Records to
be kept

- (3) If a registrant or purchaser fails or refuses to keep adequate books or accounts for the purpose of ascertaining the amount of the tax payable by him or payable and collectable by him, as the case may be, the Minister may require such registrant or purchaser to keep such records and accounts as the Minister specifies.

s. 10 (7-9),
re-enacted

- (2) Subsections 7, 8 and 9 of the said section 10 are repealed and the following substituted therefor:

Notice of
assessment

- (7) After examination of the return of a registrant, the Minister shall send by mail or by registered mail or deliver by personal service a notice of assessment to such registrant verifying or altering the amount of tax shown to be collectable by the registrant or to be payable by the registrant in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be transmitted within one month from the date of mailing of the notice of assessment, whether or not an objection or appeal from the assessment is made or taken, and such additional tax shall bear interest at the rate prescribed by the regulations calculated from the last date prescribed for making the return to the date of transmission to the Treasurer.

Idem

- (8) The Minister may at any time he considers reasonable assess any tax collectable or payable by a registrant or purchaser under this Act and shall send by mail

SECTION 3. Section 4 of the Act is amended to make it clear that a person in charge of a motor vehicle with a fuel capacity in excess of 40 gallons must keep with him proof that he has paid the tax on all of the fuel contained in the motor vehicle. Formerly, he was required to show only that tax was paid on the portion of the fuel in excess of 40 gallons.

SECTION 4. Section 4a is added to the Act to permit the examination of fuel in a motor vehicle to ensure that the tax imposed by the Act has been paid on fuel that is being used in Ontario. The section does not apply to a motor vehicle whose maximum fuel capacity is less than 40 gallons.

SECTION 5. Subsection 2 of section 9 of the Act is amended to permit the rate of interest mentioned in the subsection to be fixed by regulation.

SECTION 6. Subsection 1 alters subsections 1, 2 and 3 of section 10 of the Act to make them applicable to purchasers as well as registrants.

Subsection 2 provides for the assessment of tax and for the giving of a notice of objection by any person assessed.

or by registered mail or deliver by personal service a notice of assessment requiring the registrant or purchaser to transmit the tax assessed forthwith to the Treasurer.

- (9) A registrant or purchaser shall, within one month of ^{Payment of} the date of an assessment made against him, transmit ^{tax assessed} the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if a registrant or purchaser fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed by the regulations upon the tax from the due date to the date of transmission to the Treasurer.
- (10) Where a registrant or purchaser objects to an assess- ^{Notice of} ment made under this section, he may, within ninety ^{objection} days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.
- (11) A notice of objection under this section shall be ^{Service} served by being sent by registered mail addressed to the Minister.

7. The said Act is further amended by adding thereto the ^{ss. 10a, 10b,} following sections: ^{enacted}

- 10a.—(1) Upon receipt of a notice of objection, the Minister ^{Recon-} shall with all due despatch reconsider the assessment ^{sideration} and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the registrant or purchaser, as the case may be, of his action by registered letter.
- (2) After the Minister has given the notification required ^{Appeal} by subsection 1, a person who has served notice of objection under section 10 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 1 that the Minister has confirmed the assessment or reassessed, and an appeal under this section shall not be made to the Divisional Court.
- (3) An appeal to the Supreme Court shall be instituted ^{Appeal, how} by serving on the Minister a notice of appeal in ^{instituted} duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme

Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

- (4) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of notice of appeal

- (5) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to notice of appeal

- (6) After the service on him of a notice of appeal under this section, the Minister shall with all due despatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter deemed action

- (7) Upon the filing of the material referred to in subsection 6, the matter shall be deemed to be an action in the court.

Disposition of appeal

- (8) The court may dispose of the appeal by,
- (a) dismissing it;
 - (b) allowing it; or
 - (c) allowing it, and,
 - (i) vacating the assessment,
 - (i) varying the assessment,
 - (iii) resorting the original assessment, or
 - (iv) referring the assessment back to the Minister for reconsideration and re-assessment.

Idem

- (9) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

SECTION 7. Sections *10a*, *10b* and *15a* are added to the Act. Section *10a* provides a procedure for appealing an assessment made by the Minister, and section *10b* provides for the production of a certificate to prove the amount of tax in issue in a prosecution for failing to pay or remit the tax imposed by the Act. Section *15a* permits the laying of informations for offences under the Act within six years from the occurrence of the offence.

SECTION 8. Section 16 is re-enacted to allow the Minister to take action against purchasers as well as registrants for the collection of the tax imposed by the Act. Formerly, the section applied only to registrants. Beyond extending the section to purchasers, no substantial change has been made in its provisions.

SECTION 9. This section substitutes "notice of assessment" for "notice of accounting" in order to reflect the introduction of an assessment procedure contained in subsection 2 of section 6 of the Bill.

SECTION 10. This section enables the Minister to issue certificates of exemption to people who would be entitled to a full refund of tax that they have paid under the Act. This section will only apply to farmers and commercial fishermen, and is designed to provide a method of permitting such people to buy fuel without tax instead of first paying the tax and then applying for a refund of the tax. This section will apply retrospectively to April 1, 1972 in order to remove any doubt as to the validity of the certificate of exemption procedure, which was instituted to benefit farmers and commercial fishermen, by avoiding their having to pay to the Crown money that would subsequently be refunded to them in any case.

- (10) The practice and procedure of the Supreme Court, ^{Procedure} including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 7, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.
- (11) No assessment shall be vacated or varied on appeal ^{Irregularities} by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.
- (12) The time within which a notice of objection under subsection 10 of section 10 or a notice of appeal under subsection 2 of this section is to be served may be extended by the Minister if application for such extension is made before the time for service of the notice of objection or notice of appeal, as the case may be, has expired. ^{Extension of time}
- 10b.—(1) The Minister or Deputy Minister of Revenue shall determine the amount of the tax referred to in subsection 6 or 8 of section 3 or in subsection 5 or 6 of section 7 from such information as is available to him and shall issue a certificate as to that amount. ^{Certificate to prove unpaid tax}
- (2) In any prosecution under subsection 6, 7 or 8 of section 3 or under subsection 5 or 6 of section 7 a certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature. ^{Idem}
- (3) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Information may be for several offences}
- (4) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. ^{Remedies to be independent}

When
information
to be laid

15*a*. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

s. 16,
re-enacted

8. Section 16 of the said Act is repealed and the following substituted therefor:

Recovery of
tax and
penalty

16.—(1) Upon default of transmission by a registrant of any tax collectable by him or of any tax or penalty payable by him or upon default of payment by any purchaser of any tax payable by him under this Act,

- (*a*) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or
- (*b*) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the registrant or purchaser is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the registrant or purchaser, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court; or
- (*c*) the Minister or any officer authorized by him may enter upon the premises of a registrant or purchaser or any other place in Ontario where the books or records of a registrant or purchaser or any part of them are kept and make such investigation and examination as he considers necessary, and may seize any of the books and records and may by notice in writing, require that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.

Manner of
serving
notice

- (2) A notice under clause *c* of subsection 1 may be served personally or by registered letter addressed to such person at the address indicated in the books or records of the registrant or purchaser and the receipt of payment of the amount of the indebtedness by

SECTION 11. The clauses added to section 21 of the Act will allow regulations to be made concerning exemptions from tax for fuel used in certain ways, concerning the contents of certificates of exemption and the conditions under which they can be used, concerning the giving of information to the Minister by registrants with respect to fuel that they sell exempt from tax, and concerning the fixing of rates of interest payable under the Act.

SECTION 12. Subsection 2 provides that the certificate of exemption procedure added to the Act by section 10 of the Bill will apply as of April 1, 1972.

the Treasurer constitutes a good and sufficient discharge of the liability of such person to the registrant or purchaser to the extent of the amount indicated in the receipt.

- (3) Any person discharging any liability to a registrant or purchaser owing taxes collectable by him or owing taxes or penalties payable by him under this Act after the service of the notice referred to in subsection 2 is personally liable to the Treasurer to the extent of the amount of the liability discharged between the person and the registrant or purchaser or to the extent of the amount of taxes collectable by the registrant and of taxes, interest and penalties payable by him or by a purchaser whichever is the lesser amount, and the Treasurer has the same remedies for the recovery of such amount from such person as he has for the recovery from the registrant of a tax collectable by him or of a tax or penalty payable by him or by a purchaser under this Act. Liability of debtor

9. Subsection 3 of section 18 of the said Act is amended by s. 18 (3), amended striking out "notice of accounting" in the second line and in the sixth and seventh lines and inserting in lieu thereof in each instance "notice of assessment".

10. The said Act is further amended by adding thereto the s. 18a, enacted following section:

18a.—(1) The provisions of this section apply notwithstanding any provision of this Act to the contrary. Application of section

- (2) In this section, "authorized registrant" means a Interpretation registrant whom the Minister authorizes in writing to receive certificates of exemption issued under this section, and no person who is not an authorized registrant shall receive or act on any such certificate of exemption.

- (3) Where the Minister is satisfied that fuel to be acquired by a purchaser will be used exclusively by that purchaser in the business of farming or commercial fishing and where the Minister has determined to make a full refund of the tax imposed by this Act on fuel so used by such a purchaser, the Minister may issue to such purchaser a certificate of exemption that shall show the date when the certificate is issued, the name and address of the person to whom the certificate is issued and a number differentiating that certificate from other similar certificates, and such Certificate of exemption

certificate may contain restrictions limiting the time during which it remains valid, the use to which any fuel may be put that is purchased through the use of the certificate, and such other restrictions as the Minister considers necessary.

Exemption
for purchaser

- (4) Any purchaser to whom a certificate of exemption is issued may, by complying with the terms of the certificate and after delivering the certificate up to an authorized registrant, purchase from that authorized registrant fuel exempt from the tax otherwise payable under this Act, and such purchaser is not liable to pay the tax imposed by this Act unless he uses such fuel in a manner that is not authorized by the certificate.

When
authorized
registrant
not to collect
tax

- (5) An authorized registrant who sells or supplies fuel to a purchaser who is acquiring such fuel pursuant to a certificate of exemption issued under this Act shall not, while the certificate remains valid, collect from such purchaser any tax on any fuel that is purchased from such authorized registrant on the authority of a certificate of exemption delivered over to him, but every authorized registrant who having received a certificate of exemption from a purchaser sells or supplies fuel on which he does not collect the tax imposed by this Act because of the purchaser's possessing a certificate of exemption shall provide to the Minister the information that an authorized registrant is required by the regulations to provide.

Certificate
to be
recorded

- (6) Every authorized registrant who receives a certificate of exemption from a purchaser shall keep in his records the particulars shown on the certificate, and shall send the certificate to the Minister.

Offence

- (7) Any person who knowingly contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000.

Revocation
of certificate

- (8) Where an authorized registrant or a purchaser holding a certificate of exemption issued under this section is found guilty of an offence under subsection 7, the Minister may cancel the authorization of such authorized registrant or revoke the certificate of such purchaser, as the case may be, and where the Minister determines that he will no longer make a full refund to a purchaser holding a certificate of exemption issued under this section, the Minister

shall revoke the certificate and shall give notice of such revocation to the purchaser and to the authorized registrant to whom the purchaser has delivered over the certificate of exemption.

11. Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 5, is further amended by adding thereto the following clauses:

- (f) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving registrants from their obligation of collecting a part or all of the tax on fuel so used;
- (g) prescribing additional information to be contained in any certificate of exemption issued under this Act, and attaching additional conditions to the use of any such certificate;
- (h) providing for the furnishing to the Minister by registrants of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;
- (i) prescribing rates of interest payable under this Act.

12.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}

(2) Section 10 shall be deemed to have come into force on the 1st day of April, 1972. ^{Idem}

13. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1972 (No. 2)*. ^{Short title}

An Act to amend The Motor
Vehicle Fuel Tax Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

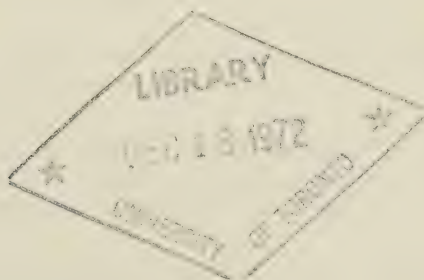
((Government Bill))

BILL 222

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Motor Vehicle Fuel Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

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BILL 222

1972

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Motor Vehicle Fuel Tax Act*, ^{s. 1 (a), re-enacted} being chapter 282 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 14, section 1, is repealed and the following substituted therefor:

- (a) "fuel" means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,
 - (i) any product that is excluded from this Act by the regulations and to which subsection 5 of section 3 does not apply,
 - (ii) gasoline on which the tax imposed by *The* ^{R.S.O. 1970, c. 190} *Gasoline Tax Act* has been paid, or
 - (iii) aviation fuel on which the tax imposed by *The Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft.

2. Subsections 3, 4, 5 and 6 of section 3 of the said Act are ^{s. 3 (3-6), re-enacted} repealed and the following substituted therefor:

- (3) Subject to subsection 5, the tax imposed by subsection 1 shall be paid at the time the fuel is supplied to the purchaser or, where the fuel is acquired by the purchaser outside Ontario, at the time such fuel is used in Ontario, and the tax imposed by subsection 2 shall be paid in accordance with section 9. Payment of tax

Security
for tax

- (4) Where a purchaser uses in Ontario fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of some one authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of fuel on which the tax imposed by this Act has not been paid, and in the event that the tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

Payment
of tax

- (5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank, such product thereupon becomes taxable as fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer directly or through any registrant.

Penalty

- (6) Every person who knowingly fails to pay the tax imposed by subsection 1, 2 or 5 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000.

Idem

- (7) Every person who fails to comply with subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (8) Every person who is not a registrant and who knowingly supplies or makes available to a purchaser fuel that becomes taxable under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax imposed by this Act on the fuel that he has supplied or made available to a purchaser plus an amount that is not less than \$100 and not more than \$5,000.

Examination
of books, etc.

- (9) Where it is established to the satisfaction of the Minister that a person who is not a registrant has supplied or made available to a purchaser fuel that becomes taxable under this Act, any person thereunto authorized by the Minister may enter upon the business premises of such person who is not a registrant and may audit and examine the books, records

and accounts of such person to ascertain the amount of fuel that has been supplied under subsection 8 and the amount of tax that is payable with respect thereto.

3. Subsection 1 of section 4 of the said Act is amended by ^{s. 4 (1),} amended striking out "on the portion of such fuel in excess of forty imperial gallons" in the sixth line.

4. The said Act is amended by adding thereto the following ^{s. 4a,} enacted section:

4a.—(1) For the purpose of ascertaining that the tax ^{Detention and} imposed by this Act has been paid on fuel in the ^{examination} fuel tank of a motor vehicle, or for the purpose of ^{of motor vehicle} ascertaining whether any tax imposed by this Act on such fuel is payable, any person thereunto authorized by the Minister may detain any motor vehicle in Ontario that has a fuel tank that is capable of holding more than forty imperial gallons and may examine such motor vehicle and the fuel contained in any fuel tank thereof, and may demand proof that the tax imposed by this Act for the fuel in the fuel tank of such motor vehicle has been paid.

(2) Every operator of a motor vehicle that may be de- ^{Penalty} tained under subsection 1 who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to permit the examination of the fuel used in such motor vehicle, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 for each offence.

5. Subsection 2 of section 9 of the said Act is amended ^{s. 9 (2),} amended by striking out "the rate of 7 per cent per annum" in the fourth line and inserting in lieu thereof "such rate as is prescribed in the regulations".

6.—(1) Subsections 1, 2 and 3 of section 10 of the said Act ^{s. 10 (1-3),} re-enacted are repealed and the following substituted therefor:

(1) If the Minister, in order for him to assess the tax ^{Minister} collectable by a registrant or of the tax payable by a ^{may demand} registrant or purchaser under this Act or for any other purpose, desires any information or additional ^{information} information, or a return from a registrant or purchaser who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the registrant or purchaser, or from the president,

manager, secretary, or any director, agent or representative of any registrant or purchaser, such information, additional information or return, and the person upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production
of letters,
accounts, etc.

- (2) The Minister may, by registered letter, require the production under oath or otherwise by any registrant or purchaser, or by the president, manager, secretary, or any director, agent or representative of any registrant or purchaser, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of such registrant or purchaser, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Records to
be kept

- (3) If a registrant or purchaser fails or refuses to keep adequate books or accounts for the purpose of ascertaining the amount of the tax payable by him or payable and collectable by him, as the case may be, the Minister may require such registrant or purchaser to keep such records and accounts as the Minister specifies.

s. 10 (7-9),
re-enacted

- (2) Subsections 7, 8 and 9 of the said section 10 are repealed and the following substituted therefor:

Notice of
assessment

- (7) After examination of the return of a registrant, the Minister shall send by mail or by registered mail or deliver by personal service a notice of assessment to such registrant verifying or altering the amount of tax shown to be collectable by the registrant or to be payable by the registrant in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be transmitted within one month from the date of mailing of the notice of assessment, whether or not an objection or appeal from the assessment is made or taken, and such additional tax shall bear interest at the rate prescribed by the regulations calculated from the last date prescribed for making the return to the date of transmission to the Treasurer.

Idem

- (8) The Minister may at any time he considers reasonable assess any tax collectable or payable by a registrant or purchaser under this Act and shall send by mail

or by registered mail or deliver by personal service a notice of assessment requiring the registrant or purchaser to transmit the tax assessed forthwith to the Treasurer.

- (9) A registrant or purchaser shall, within one month of the date of an assessment made against him, transmit the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if a registrant or purchaser fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed by the regulations upon the tax from the due date to the date of transmission to the Treasurer. ^{Payment of tax assessed}

- (10) Where a registrant or purchaser objects to an assessment made under this section, he may, within ninety days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. ^{Notice of objection}

- (11) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. ^{Service}

7. The said Act is further amended by adding thereto the following sections: ^{ss. 10a, 10b, enacted}

- 10a.—(1) Upon receipt of a notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the registrant or purchaser, as the case may be, of his action by registered letter. ^{Reconsideration}

- (2) After the Minister has given the notification required by subsection 1, a person who has served notice of objection under section 10 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 1 that the Minister has confirmed the assessment or reassessed, and an appeal under this section shall not be made to the Divisional Court. ^{Appeal}

- (3) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme ^{Appeal, how instituted}

Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

- (4) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of
notice of
appeal

- (5) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to
notice of
appeal

- (6) After the service on him of a notice of appeal under this section, the Minister shall with all due despatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter
deemed
action

- (7) Upon the filing of the material referred to in subsection 6, the matter shall be deemed to be an action in the court.

Disposition
of appeal

- (8) The court may dispose of the appeal by,
- (a) dismissing it;
 - (b) allowing it; or
 - (c) allowing it, and,
 - (i) vacating the assessment,
 - (ii) varying the assessment,
 - (iii) restoring the original assessment, or
 - (iv) referring the assessment back to the Minister for reconsideration and re-assessment.

Idem

- (9) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

- (10) The practice and procedure of the Supreme Court, ^{Procedure} including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 7, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.
- (11) No assessment shall be vacated or varied on appeal ^{Irregularities} by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.
- (12) The time within which a notice of objection under ^{Extension of time} subsection 10 of section 10 or a notice of appeal under subsection 2 of this section is to be served may be extended by the Minister if application for such extension is made before the time for service of the notice of objection or notice of appeal, as the case may be, has expired.
- 10b.—(1) The Minister or Deputy Minister of Revenue ^{Certificate to prove unpaid tax} shall determine the amount of the tax referred to in subsection 6 or 8 of section 3 or in subsection 5 or 6 of section 7 from such information as is available to him and shall issue a certificate as to that amount.
- (2) In any prosecution under subsection 6, 7 or 8 of ^{Idem} section 3 or under subsection 5 or 6 of section 7 a certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature.
- (3) Any information in respect of an offence under this Act may be for one or more than one offence, and ^{Information may be for several offences} no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.
- (4) Neither the application of any provision of this section nor the enforcement of any penalty hereunder ^{Remedies to be independent} suspends or affects any remedy for the recovery of any tax payable under this Act.

When
information
to be laid

15a. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

s. 16,
re-enacted

8. Section 16 of the said Act is repealed and the following substituted therefor:

Recovery of
tax and
penalty

16.—(1) Upon default of transmission by a registrant of any tax collectable by him or of any tax or penalty payable by him or upon default of payment by any purchaser of any tax payable by him under this Act,

(a) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or

(b) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the registrant or purchaser is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the registrant or purchaser, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court; or

(c) the Minister or any officer authorized by him may enter upon the premises of a registrant or purchaser or any other place in Ontario where the books or records of a registrant or purchaser or any part of them are kept and make such investigation and examination as he considers necessary, and may seize any of the books and records and may by notice in writing, require that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.

Manner of
serving
notice

(2) A notice under clause c of subsection 1 may be served personally or by registered letter addressed to such person at the address indicated in the books or records of the registrant or purchaser and the receipt of payment of the amount of the indebtedness by

the Treasurer constitutes a good and sufficient discharge of the liability of such person to the registrant or purchaser to the extent of the amount indicated in the receipt.

- (3) Any person discharging any liability to a registrant or purchaser owing taxes collectable by him or owing taxes or penalties payable by him under this Act after the service of the notice referred to in subsection 2 is personally liable to the Treasurer to the extent of the amount of the liability discharged between the person and the registrant or purchaser or to the extent of the amount of taxes collectable by the registrant and of taxes, interest and penalties payable by him or by a purchaser whichever is the lesser amount, and the Treasurer has the same remedies for the recovery of such amount from such person as he has for the recovery from the registrant of a tax collectable by him or of a tax or penalty payable by him or by a purchaser under this Act. ^{Liability of debtor}

9. Subsection 3 of section 18 of the said Act is amended by striking out "notice of accounting" in the second line and in the sixth and seventh lines and inserting in lieu thereof in each instance "notice of assessment". ^{s. 18 (3), amended}

10. The said Act is further amended by adding thereto the following section: ^{s. 18a, enacted}

18a.—(1) The provisions of this section apply notwithstanding any provision of this Act to the contrary. ^{Application of section}

- (2) In this section, "authorized registrant" means a registrant whom the Minister authorizes in writing to receive certificates of exemption issued under this section, and no person who is not an authorized registrant shall receive or act on any such certificate of exemption. ^{Interpretation}

- (3) Where the Minister is satisfied that fuel to be acquired by a purchaser will be used exclusively by that purchaser in the business of farming or commercial fishing and where the Minister has determined to make a full refund of the tax imposed by this Act on fuel so used by such a purchaser, the Minister may issue to such purchaser a certificate of exemption that shall show the date when the certificate is issued, the name and address of the person to whom the certificate is issued and a number differentiating that certificate from other similar certificates, and such ^{Certificate of exemption}

certificate may contain restrictions limiting the time during which it remains valid, the use to which any fuel may be put that is purchased through the use of the certificate, and such other restrictions as the Minister considers necessary.

Exemption
for purchaser

- (4) Any purchaser to whom a certificate of exemption is issued may, by complying with the terms of the certificate and after delivering the certificate up to an authorized registrant, purchase from that authorized registrant fuel exempt from the tax otherwise payable under this Act, and such purchaser is not liable to pay the tax imposed by this Act unless he uses such fuel in a manner that is not authorized by the certificate.

When
authorized
registrant
not to collect
tax

- (5) An authorized registrant who sells or supplies fuel to a purchaser who is acquiring such fuel pursuant to a certificate of exemption issued under this Act shall not, while the certificate remains valid, collect from such purchaser any tax on any fuel that is purchased from such authorized registrant on the authority of a certificate of exemption delivered over to him, but every authorized registrant who having received a certificate of exemption from a purchaser sells or supplies fuel on which he does not collect the tax imposed by this Act because of the purchaser's possessing a certificate of exemption shall provide to the Minister the information that an authorized registrant is required by the regulations to provide.

Certificate
to be
recorded

- (6) Every authorized registrant who receives a certificate of exemption from a purchaser shall keep in his records the particulars shown on the certificate, and shall send the certificate to the Minister.

Offence

- (7) Any person who knowingly contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000.

Revocation
of certificate

- (8) Where an authorized registrant or a purchaser holding a certificate of exemption issued under this section is found guilty of an offence under subsection 7, the Minister may cancel the authorization of such authorized registrant or revoke the certificate of such purchaser, as the case may be, and where the Minister determines that he will no longer make a full refund to a purchaser holding a certificate of exemption issued under this section, the Minister

shall revoke the certificate and shall give notice of such revocation to the purchaser and to the authorized registrant to whom the purchaser has delivered over the certificate of exemption.

11. Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 5, is further amended by adding thereto the following clauses:

- (f) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving registrants from their obligation of collecting a part or all of the tax on fuel so used;
- (g) prescribing additional information to be contained in any certificate of exemption issued under this Act, and attaching additional conditions to the use of any such certificate;
- (h) providing for the furnishing to the Minister by registrants of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;
- (i) prescribing rates of interest payable under this Act.

12.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent. s. 21,
amended
Commence-
ment

(2) Section 10 shall be deemed to have come into force on the 1st day of April, 1972. Idem

13. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1972* (No. 2). Short title

An Act to amend The Motor
Vehicle Fuel Tax Act

1st Reading

November 21st, 1972

2nd Reading

November 30th, 1972

3rd Reading

November 30th, 1972

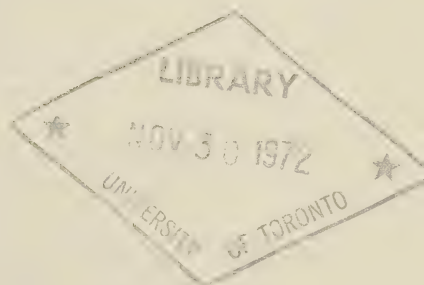
THE HON. A. GROSSMAN
Minister of Revenue

BILL 223**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend
The Ministry of Agriculture and Food Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The section re-enacted grants authority to the Lieutenant Governor in Council to guarantee payments of loans made to farmers for the encouragement of any branch of agriculture or food.

BILL 223

1972

An Act to amend The Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Ministry of Agriculture and Food Act*, ^{s. 5a, re-enacted} being chapter 109 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 82, section 1, is repealed and the following substituted therefor:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to farmers for the encouragement of any branch of agriculture or food and any such guarantee may, without limiting the generality of the foregoing, ^{Guarantee of loans}

- (a) limit the amount of any individual loan to which the guarantee shall apply;
- (b) define the class or classes of farmers to whom any such loan may be made; and
- (c) define the purposes for which application may be made by farmers for any such loan.

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs who may sign as Treasurer of Ontario, or by such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario ^{Form of guarantee}

is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment
of interest

- (3) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of
guarantee,
interest

- (4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection 3, and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of
loss sustained

- (5) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to a guarantee and that is in default.

Payment of
loss limited

- (6) Payment of loss under subsection 5 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
 - (b) expenses, other than those referred to in clause a, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

3. This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972 (No. 2)*.

An Act to amend The Ministry
of Agriculture and Food Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

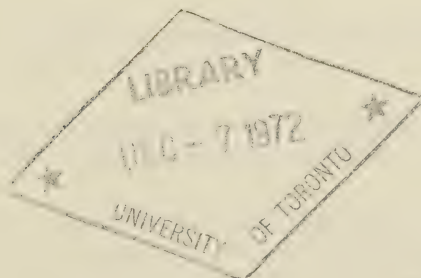
(Government Bill)

BILL 223

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Ministry of Agriculture and Food Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 223

1972

An Act to amend The Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Ministry of Agriculture and Food Act*, ^{s. 5a,} ^{re-enacted} being chapter 109 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 82, section 1, is repealed and the following substituted therefor:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to farmers for the encouragement of any branch of agriculture or food and any such guarantee may, without limiting the generality of the foregoing, ^{Guarantee of loans}

- (a) limit the amount of any individual loan to which the guarantee shall apply;
- (b) define the class or classes of farmers to whom any such loan may be made; and
- (c) define the purposes for which application may be made by farmers for any such loan.

- (2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs who may sign as Treasurer of Ontario, or by such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario ^{Form of guarantee}

is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of interest

- (3) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of guarantee, interest

- (4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection 3, and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of loss sustained

- (5) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to a guarantee and that is in default.

Payment of loss limited

- (6) Payment of loss under subsection 5 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
 - (b) expenses, other than those referred to in clause a, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

3. This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972* (No. 2).

An Act to amend The Ministry
of Agriculture and Food Act

1st Reading

November 21st, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 23rd, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Homes for the Aged and Rest Homes Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment changes the definition of "Minister" to conform with the change in the name of the Ministry.

SECTION 2. The amendment is to clarify that this subsection does not apply to homes established by the Minister and managed by a board under section 9*a* of the Act.

SECTION 3. The amendment authorizes a board of management in a territorial district to enter into a lease or agreement with the Minister to operate and manage homes established by the Minister under a proposed amendment to *The Ministry of Community and Social Services Act*.

SECTIONS 4, 5, 6, 7 AND 8. The amendments change certain sections of the Act to conform with the amendments set out in this Bill.

BILL 224

1972

An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*f*) "Minister" means the Minister of Community and Social Services.

2. Subsection 4 of section 9 of the said Act is repealed and the following substituted therefor:

(4) A home established under section 5 or 6 shall be vested in the board and the board shall have charge thereof.

3. The said Act is amended by adding thereto the following section:

9a. A board of management appointed under section 9 may by lease or agreement entered into with the Minister, maintain and operate a home established in the territorial district of the board by the Minister under section 7a of *The Ministry of Community and Social Services Act*, subject to the provisions of *The Homes for the Aged and Rest Homes Act* and the regulations thereunder and upon such terms and conditions as may be agreed upon.

4. Section 10 of the said Act is amended by inserting after "6" in the third line "or a home maintained and operated under an agreement with the Minister pursuant to section 9a".

s. 23 (1c),
amended

5.—(1) Subsection 1c of section 23 of the said Act, as renumbered by the Statutes of Ontario, 1971, chapter 99, section 3, is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (3),
amended

(2) Subsection 3 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (8),
amended

(3) Subsection 8 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 24 (1),
amended

6. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 9, is further amended by inserting after “section” in the third line “or a home maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 27 (2),
amended

7. Subsection 2 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by inserting after “6” in the second line “or is maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (k),
amended

8.—(1) Clause *k* of subsection 1 of section 30 of the said Act is amended by inserting after “6” in the third line “and homes maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (r),
amended

(2) Clause *r* of subsection 1 of the said section 30 is amended by striking out “of homes established under section 5 or 6” in the second line and inserting in lieu thereof “appointed under section 9”.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972 (No. 2)*.

An Act to amend
The Homes for the Aged
and Rest Homes Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

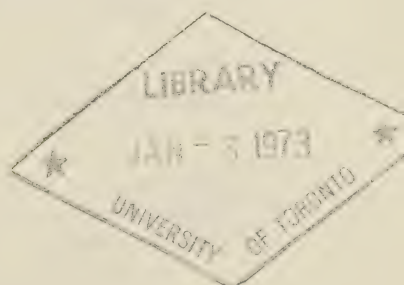
(Government Bill)

BILL 224

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972 //

**An Act to amend
The Homes for the Aged and Rest Homes Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 224

1972

An Act to amend The Homes for the Aged and Rest Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(f) "Minister" means the Minister of Community and Social Services.

2. Subsection 4 of section 9 of the said Act is repealed and the following substituted therefor:

(4) A home established under section 5 or 6 shall be vested in the board and the board shall have charge thereof.

3. The said Act is amended by adding thereto the following section:

9a. A board of management appointed under section 9 may by lease or agreement entered into with the Minister, maintain and operate a home established in the territorial district of the board by the Minister under section 7a of *The Ministry of Community and Social Services Act*, subject to the provisions of *The Homes for the Aged and Rest Homes Act* and the regulations thereunder and upon such terms and conditions as may be agreed upon.

4. Section 10 of the said Act is amended by inserting after "6" in the third line "or a home maintained and operated under an agreement with the Minister pursuant to section 9a".

s. 23 (1c),
amended

5.—(1) Subsection 1c of section 23 of the said Act, as renumbered by the Statutes of Ontario, 1971, chapter 99, section 3, is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (3),
amended

(2) Subsection 3 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (8),
amended

(3) Subsection 8 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 24 (1),
amended

6. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 9, is further amended by inserting after “section” in the third line “or a home maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 27 (2),
amended

7. Subsection 2 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by inserting after “6” in the second line “or is maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (k),
amended

8.—(1) Clause *k* of subsection 1 of section 30 of the said Act is amended by inserting after “6” in the third line “and homes maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (r),
amended

(2) Clause *r* of subsection 1 of the said section 30 is amended by striking out “of homes established under section 5 or 6” in the second line and inserting in lieu thereof “appointed under section 9”.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972* (No. 2).

An Act to amend
The Homes for the Aged
and Rest Homes Act

1st Reading

November 21st, 1972

2nd Reading

December 5th, 1972

3rd Reading

December 8th, 1972

THE HON. R. BRUNELLE
Minister of Community and
Social Services

A20N

B

B56

BILL 225

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Ministry of Community and
Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment authorizes payment of grants for programs of social planning.

SECTION 2. Section 6*e* would allow the Province to purchase social or community services pursuant to an agreement and would allow agreements between the Province and social agencies respecting the delivery of such services.

SECTION 7*a* would allow the Province to lease property received by way of gift or donation to any person or organization authorized under the Act for management and operation.

This amendment is complementary to a proposed amendment under *The Homes for the Aged and Rest Homes Act*.

BILL 225

1972

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6d of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 56, section 2, is amended by inserting after "services" in the sixth line "and social planning". s. 6d, amended

2. The said Act is amended by adding thereto the following ss. 6e, 7a, enacted sections:

6e. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including facilities and personnel relating thereto upon such terms and conditions as may be agreed and he may direct out of moneys appropriated by the Legislature the payment of such expenditures as are necessary for such purposes. Agreements for the provision of services

7a. The Minister, with the approval of the Lieutenant Governor in Council, may establish, with real and personal property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation of the institution by any person or organization with authority therefor under such Act subject to the Establishment of charitable institutions by Minister

provisions of such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972 (No. 2)*.

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

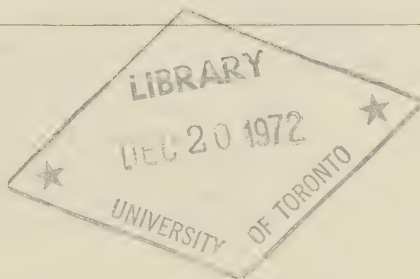
THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend The Ministry of Community and
Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment authorizes payment of grants for programs of social planning.

SECTION 2. Section 6e would allow the Province to purchase social or community services pursuant to an agreement and would allow agreements between the Province and social agencies respecting the delivery of such services.

SECTION 7a would allow the Province to lease property received by way of gift or donation to any person or organization authorized under the Act for management and operation.

This amendment is complementary to a proposed amendment under *The Homes for the Aged and Rest Homes Act*.

BILL 225

1972

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6*d* of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 56, section 2, is amended by inserting after "services" in the sixth line "and social planning". ^{s. 6*d*, amended}

2. The said Act is amended by adding thereto the following sections: ^{ss. 6*e*, 7*a*, enacted}

6*e*. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including facilities and personnel relating thereto upon such terms and conditions as may be agreed and he may direct out of moneys appropriated by the Legislature the payment of such expenditures as are necessary for such purposes. ^{Agreements for the provision of services}

7*a*. The Minister, with the approval of the Lieutenant Governor in Council, may establish, with real and personal property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation on a non-profit basis of the institution by any person or organization with authority therefor under such Act ^{Establishment of charitable institutions by Minister}

subject to the provisions of such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972 (No. 2)*.

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

November 21st, 1972

2nd Reading

December 5th, 1972

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 225

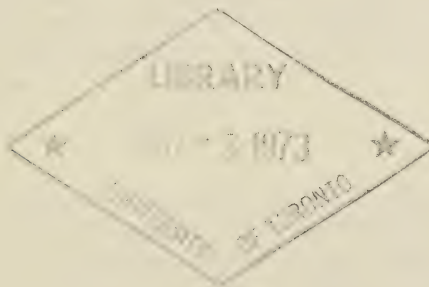
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56

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972/

**An Act to amend The Ministry of Community and
Social Services Act**

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 225

1972

An Act to amend The Ministry of Community and Social Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6d of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 56, section 2, is amended by inserting after "services" in the sixth line "and social planning".^{s. 6d, amended}
2. The said Act is amended by adding thereto the following sections:^{ss. 6e, 7a, enacted}
 - 6e. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including facilities and personnel relating thereto upon such terms and conditions as may be agreed and he may direct out of moneys appropriated by the Legislature the payment of such expenditures as are necessary for such purposes.^{Agreements for the provision of services}
 - 7a. The Minister, with the approval of the Lieutenant Governor in Council, may establish, with real and personal property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation on a non-profit basis of the institution by any person or organization with authority therefor under such Act^{Establishment of charitable institutions by Minister}

subject to the provisions of such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972* (No. 2).

An Act to amend
The Ministry of Community and
Social Services Act

1st Reading

November 21st, 1972

2nd Reading

December 5th, 1972

3rd Reading

December 8th, 1972

THE HON. R. BRUNELLE
Minister of Community and
Social Services

BILL 226**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Fire Marshals Act

THE HON. J. YAREMKO
Solicitor General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The provision repealed requires the payment by insurers of an annual levy based upon gross premiums, fixed payments and assessments. The payments are provided for in the form of additional tax under a Bill to enact *The Corporations Tax Act, 1972*.

BILL 226

1972

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of *The Fire Marshals Act*, being chapter ^{s. 11,} 172 of the Revised Statutes of Ontario, 1970, is repealed ^{repealed}.

(2) Subsection 1 applies in respect of gross premiums, ^{Application} fixed payments and assessments received during the year ^{of subs. 1} 1972 and subsequent years.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent ^{ment}.

3. This Act may be cited as *The Fire Marshals Amendment* ^{Short title} Act, 1972.

An Act to amend
The Fire Marshals Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. J. YAREMKO
Solicitor General

(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Fire Marshals Act

THE HON. J. YAREMKO
Solicitor General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 226

1972

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of *The Fire Marshals Act*, being chapter ^{s. 11,} 172 of the Revised Statutes of Ontario, 1970, is repealed ^{repealed}.

(2) Subsection 1 applies in respect of gross premiums, ^{Application} fixed payments and assessments received during the year ^{of subs. 1} 1972 and subsequent years.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent ^{ment}.

3. This Act may be cited as *The Fire Marshals Amendment* ^{Short title} *Act, 1972.*

An Act to amend
The Fire Marshals Act

1st Reading

November 21st, 1972

2nd Reading

November 27th, 1972

3rd Reading

December 14th, 1972

THE HON. J. YAREMKO
Solicitor General

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend
The Secondary Schools and Boards of Education Act**

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Subsection 1 of section 8 is re-enacted to provide that the requirements respecting estimates of a secondary school board outside a school division are the same as for the board of a school division for secondary school purposes.

SECTION 2. The reference to preparation of a voters' list is removed since the list is now prepared under the provisions of *The Assessment Act*. The secretary of a board in territory without municipal organization will be responsible for only the revision and certification of the list.

SECTION 3. Subsection 1*b* allows a board to place the proceeds from the sale or disposal of, or insurance proceeds in respect of, permanent improvements into a reserve fund without regard to the one mill limit.

Subsection 1*c* allows a board to use in any year the proceeds from the sale or disposal of, or insurance proceeds in respect of, permanent improvements, and any money in a reserve fund for an expenditure for a permanent improvement without regard to the one mill limit.

Subsection 5 is added to provide that the approval of the Minister of Education rather than the Ministry of Treasury, Economics and Intergovernmental Affairs is required before a board may use money in a reserve fund for a purpose other than that for which the reserve fund was created.

BILL 227

1972

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) The provisions of section 31 in respect of the estimates of all sums required during the year for secondary school purposes by a board of a school division apply *mutatis mutandis* to the board of a secondary school district that is not a school division. Estimates s. 8 (1), re-enacted

2. Subsection 5 of section 27 of the said Act is amended by striking out "the preparation of a voters' list and" in the sixth and seventh lines. s. 27 (5), amended

3. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 75, section 7, is further amended by adding thereto the following subsections: s. 31, amended

- (1b) The limitation on the sum that a board may allocate to a reserve fund under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements. Reserve fund limitation exception
- (1c) The limitation on the sum that a board may include in its estimates for expenditures for permanent improvements under clause *d* of subsection 1 does not apply to expenditures from revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements. Permanent improvement limitation exception

improvements or to an expenditure from a reserve fund for the purpose for which such fund was established.

Expenditure
of reserve
fund moneys

- (5) The moneys raised for, or held in, a reserve fund by a board shall not, without the approval of the Minister, be expended, pledged or applied to any purpose other than that for which the fund was established and subsection 4 of section 308 of *The Municipal Act* does not apply to such moneys.

R.S.O. 1970,
c. 284

s. 38 (16) (a),
amended

4. Clause *a* of subsection 16 of section 38 of the said Act is amended by striking out "territory without municipal organization" in the third and fourth lines and inserting in lieu thereof "a territorial district".

s. 38a,
enacted

5. The said Act is amended by adding thereto the following section:

Effect of
boundary
change on
elections

- 38a. Where the boundaries of a school division are to be altered effective on the first day of January next following the election of members of the board of the school division, the boundaries of the school division shall be deemed to have been so altered for all purposes relating to such election.

s. 80,
enacted

6. The said Act is amended by adding thereto the following section:

Operation of
school for
trainable
retarded by
board not
in school
division

- 80.—(1) Where a school section in a territorial district is not a school division and includes all or part of a Roman Catholic separate school zone and the total enrolment of the pupils in the public schools in such section and in the separate schools in such zone exceeds 300, the public school board, with the approval of the Minister, may establish and operate a school or class for trainable retarded children and, except as otherwise provided in this section, this Part, except sections 70, 71 and 76, applies *mutatis mutandis* in respect of such school or class.

Advisory
committee

- (2) Notwithstanding subsections 1 and 2 of section 73, the board that operates a school or class for trainable retarded children under subsection 1 shall establish an advisory committee for trainable retarded children consisting of,

- (a) two members appointed by such board from among its members;

SECTION 4. The amendment corrects a reference to territory without municipal organization which should refer to a territorial district.

SECTION 5. The new section 38a provides that boundary changes of school divisions are effective for election purposes.

SECTION 6. The new section provides for the operation of a school or class for trainable retarded children outside a school division.

- (b) one member appointed by the board of the separate school zone referred to in subsection 1 from among its members; and
- (c) two members appointed by the local association or, where no local association has been established, two members appointed by the board that operates the school or class, who shall not be members of such board.

7.—(1) This Act, except sections 1, 3, 4 and 5, comes into ^{Commence-}force on the day it receives Royal Assent.

(2) Sections 4 and 5 shall be deemed to have come into ^{Idem}force on the 1st day of July, 1972.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem}January, 1973.

8. This Act may be cited as *The Secondary Schools and Boards* ^{Short title}
of Education Amendment Act, 1972 (No. 2).

An Act to amend The Secondary
Schools and Boards of Education Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Secondary Schools and Boards of Education Act**

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 227

1972

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 8 (1),
re-enacted

(1) The provisions of section 31 in respect of the Estimates estimates of all sums required during the year for secondary school purposes by a board of a school division apply *mutatis mutandis* to the board of a secondary school district that is not a school division.

2. Subsection 5 of section 27 of the said Act is amended by s. 27 (5),
amended striking out "the preparation of a voters' list and" in the sixth and seventh lines.

3. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 75, section 7, is further amended by s. 31,
amended adding thereto the following subsections:

(1b) The limitation on the sum that a board may allocate Reserve fund
limitation
exception to a reserve fund under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements.

(1c) The limitation on the sum that a board may include Permanent
improvement
limitation
exception in its estimates for expenditures for permanent improvements under clause *d* of subsection 1 does not apply to expenditures from revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent

improvements or to an expenditure from a reserve fund for the purpose for which such fund was established.

Expenditure
of reserve
fund moneys

- (5) The moneys raised for, or held in, a reserve fund by a board shall not, without the approval of the Minister, be expended, pledged or applied to any purpose other than that for which the fund was established and subsection 4 of section 308 of *The Municipal Act* does not apply to such moneys.

s. 38 (16) (a),
amended

4. Clause *a* of subsection 16 of section 38 of the said Act is amended by striking out "territory without municipal organization" in the third and fourth lines and inserting in lieu thereof "a territorial district".

s. 38a,
enacted

5. The said Act is amended by adding thereto the following section:

Effect of
boundary
change on
elections

- 38a. Where the boundaries of a school division are to be altered effective on the first day of January next following the election of members of the board of the school division, the boundaries of the school division shall be deemed to have been so altered for all purposes relating to such election.

s. 80,
enacted

6. The said Act is amended by adding thereto the following section:

Operation of
school for
trainable
retarded by
board not
in school
division

- 80.—(1) Where a school section in a territorial district is not a school division and includes all or part of a Roman Catholic separate school zone and the total enrolment of the pupils in the public schools in such section and in the separate schools in such zone exceeds 300, the public school board, with the approval of the Minister, may establish and operate a school or class for trainable retarded children and, except as otherwise provided in this section, this Part, except sections 70, 71 and 76, applies *mutatis mutandis* in respect of such school or class.

Advisory
committee

- (2) Notwithstanding subsections 1 and 2 of section 73, the board that operates a school or class for trainable retarded children under subsection 1 shall establish an advisory committee for trainable retarded children consisting of,

- (a) two members appointed by such board from among its members;

- (b) one member appointed by the board of the separate school zone referred to in subsection 1 from among its members ; and
- (c) two members appointed by the local association or, where no local association has been established, two members appointed by the board that operates the school or class, who shall not be members of such board.

7.—(1) This Act, except sections 1, 3, 4 and 5, comes into ^{Commence-}force on the day it receives Royal Assent. ^{ment}

(2) Sections 4 and 5 shall be deemed to have come into ^{Idem}force on the 1st day of July, 1972.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem}January, 1973.

8. This Act may be cited as *The Secondary Schools and Boards* ^{Short title} of *Education Amendment Act, 1972 (No. 2)*.

An Act to amend The Secondary
Schools and Boards of Education Act

1st Reading

November 21st, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 23rd, 1972

THE HON. T. L. WELLS
Minister of Education

BILL 228

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Separate Schools Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides for the use of the assessment equalization factor provided by the Minister.

SECTION 2. The amendment makes the provisions of *The Municipal Elections Act, 1972* in respect of the validity of elections and corrupt practices apply in the case of separate school board elections that are not conducted under that Act.

SECTION 3. The section is re-enacted to make the requirements respecting the preparation and adoption of estimates of a separate school board the same as for a public school board and to make the provisions in respect of the late submission to a municipal council of the rates required by a separate school board the same as the provisions in respect of the late submission of a requisition by a divisional board.

BILL 228

1972

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 25 of *The Separate Schools Act*, s. 25 (15), being chapter 430 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 70, section 1, is amended by striking out "determined under section 71 of *The Assessment Act*" in the tenth and eleventh lines and inserting in lieu thereof "provided by the Minister".

2. The said Act is amended by adding thereto the following section: s. 48, enacted

48. The provisions of *The Municipal Elections Act*, 1972 in respect of the validity of elections and corrupt practices apply to the election of trustees. Corrupt practices
1972, c. 95

3. Section 65 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 76, section 21, is repealed and the following substituted therefor: s. 65, re-enacted

65.—(1) Every separate school board shall prepare and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 31 of *The Secondary Schools and Boards of Education Act* in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a board of a school division apply *mutatis mutandis* to a separate school board for separate school purposes. Estimates
R.S.O. 1970,
c. 425

(2) Where rates or taxes in respect of separate schools are levied and collected by the council of a municipality under section 71 and the separate school board is unable in any year to submit to the council on or Where cost
of separate
levy payable
by board

before the first day of March the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 71 to levy and collect such rates, and, where the municipality is required, by reason of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality, shall, notwithstanding subsection 2 of section 71, pay to the treasurer the cost of levying such rates.

Application
of R.S.O. 1970,
c. 284, s. 307 (5)

(3) Subsection 5 of section 307 of *The Municipal Act* does not apply to separate school boards.

s. 80 (1) (i),
amended

R.S.O. 1970,
c. 405

4.—(1) Clause *i* of subsection 1 of section 80 of the said Act is amended by adding at the end thereof “for the purposes of that Act or under *The Regional Municipal Grants Act* for the purposes of that Act”.

s. 80,
amended

(2) The said section 80, as amended by the Statutes of Ontario, 1972, chapter 76, section 26, is further amended by adding thereto the following subsection:

Duties of
secretary of
board re
school
support

R.S.O. 1970,
c. 284

(6a) In respect of territory without municipal organization referred to in subsection 6 that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 2a to 21 of section 516 of *The Municipal Act* for the purposes of the district combined separate school board.

s. 90a,
enacted

5. The said Act is further amended by adding thereto the following section:

Effect of
boundary
change on
election

90a. Where the boundaries of an area designated under subsection 2 of section 81 are to be altered effective on the first day of January next following the election of members of the county or district combined separate school board for the area, the boundaries of such area shall be deemed to have been so altered for all purposes relating to such election.

Commence-
ment

6.—(1) This Act, except sections 1, 3, 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of July, 1972.

SECTION 4.—Subsection 1. The amendment makes the definition of “population” in *The Separate Schools Act* consistent with the definition in clause *b* of subsection 1 of section 38 of *The Secondary Schools and Boards of Education Act*, as amended at this session.

Subsection 2. The amendment provides that the secretary of the divisional board of education shall exercise the powers and duties of the clerk of a municipality in respect of the revision and certification of the list of assessed persons and school support supplied under section 23 of *The Assessment Act* in those portions of territory without municipal organization that are in the school division as well as in the district combined separate school zone.

SECTION 5. The new section provides that boundary changes are effective for election purposes.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem} January, 1973.

7. This Act may be cited as *The Separate Schools Amendment* ^{Short title}
Act, 1972 (No. 2).

An Act to amend
The Separate Schools Act

1st Reading

November 21st, 1972

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

BILL 228

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Separate Schools Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 228

1972

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 25 of *The Separate Schools Act*, ^{s. 25 (15), amended} being chapter 430 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 70, section 1, is amended by striking out "determined under section 71 of *The Assessment Act*" in the tenth and eleventh lines and inserting in lieu thereof "provided by the Minister".

2. The said Act is amended by adding thereto the following ^{s. 48, enacted} section:

48. The provisions of *The Municipal Elections Act*, ^{Corrupt practices} 1972 in respect of the validity of elections and ^{1972, c. 95} corrupt practices apply to the election of trustees.

3. Section 65 of the said Act, as amended by the Statutes ^{s. 65, re-enacted} of Ontario, 1972, chapter 76, section 21, is repealed and the following substituted therefor:

65.—(1) Every separate school board shall prepare ^{Estimates} and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 31 of *The Secondary Schools and Boards of Education Act* in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a board of a school division apply *mutatis mutandis* to a separate school board for separate school purposes.

(2) Where rates or taxes in respect of separate schools ^{Where cost of separate levy payable by board} are levied and collected by the council of a municipality under section 71 and the separate school board is unable in any year to submit to the council on or

before the first day of March the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 71 to levy and collect such rates, and, where the municipality is required, by reason of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality, shall, notwithstanding subsection 2 of section 71, pay to the treasurer the cost of levying such rates.

Application
of R.S.O. 1970,
c. 284, s. 307 (5)

- (3) Subsection 5 of section 307 of *The Municipal Act* does not apply to separate school boards.

s. 80 (1) (i),
amended

- 4.—(1) Clause *i* of subsection 1 of section 80 of the said Act is amended by adding at the end thereof “for the purposes of that Act or under *The Regional Municipal Grants Act* for the purposes of that Act”.

R.S.O. 1970,
c. 405

s. 80,
amended

- (2) The said section 80, as amended by the Statutes of Ontario, 1972, chapter 76, section 26, is further amended by adding thereto the following subsection:

Duties of
secretary of
board re
school
support

- (6a) In respect of territory without municipal organization referred to in subsection 6 that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 2a to 21 of section 516 of *The Municipal Act* for the purposes of the district combined separate school board.

R.S.O. 1970,
c. 284

s. 90a,
enacted

5. The said Act is further amended by adding thereto the following section:

Effect of
boundary
change on
election

- 90a. Where the boundaries of an area designated under subsection 2 of section 81 are to be altered effective on the first day of January next following the election of members of the county or district combined separate school board for the area, the boundaries of such area shall be deemed to have been so altered for all purposes relating to such election.

Commence-
ment

- 6.—(1) This Act, except sections 1, 3, 4 and 5, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of July, 1972.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem} January, 1973.

7. This Act may be cited as *The Separate Schools Amendment* ^{Short title}
Act, 1972 (No. 2).

An Act to amend
The Separate Schools Act

1st Reading

November 21st, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 23rd, 1972

THE HON. T. L. WELLS
Minister of Education

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BILL 229

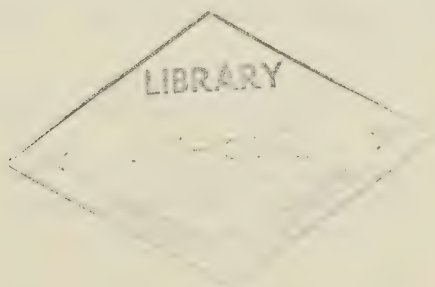
Government Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to control the Storage and Supply
of personal Information for rating Purposes**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill regulates the giving of consumer reports and governs the disclosure and review of the information. Information as to credit history and as to character and health is included in the controls.

The main principles include the following:

1. Consumer reporting agencies are required to be registered.
2. Persons ordering consumer reports are required to notify the consumer.
3. If a credit information results in adverse action, the creditor is required to notify the consumer of the report.
4. The consumer may inspect all the information about him in the files of any consumer reporting agency.
5. The consumer may have information corrected, through the authority of a tribunal, if necessary.
6. The information that may be included in a consumer report is restricted to maintain a standard of accuracy and corroboration.

An Act to control the Storage and Supply of personal Information for rating Purposes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “consumer” means a natural person;
- (b) “consumer report” means a written, oral or other communication by a consumer reporting agency of credit information or personal information, or both, pertaining to a consumer for consideration in connection with a purpose set out in clause *c* of subsection 1 of section 8;
- (c) “consumer reporting agency” means a person who for gain or profit furnishes consumer reports;
- (d) “credit information” means information, other than personal information, about a consumer’s borrowing and repayment history, assets or credit worthiness;
- (e) “Director” means the Executive Director of the Commercial Registration Division of the Ministry;
- (f) “employment purposes” means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;
- (g) “file”, when used as a noun, means “all of the information pertaining to a consumer that is recorded and retained by a consumer reporting agency, regardless of the manner or form in which the information is stored;
- (h) “Minister” means the Minister of Consumer and Commercial Relations;

- (i) "person" means a natural person, an association of natural persons, a partnership or a corporation;
- (j) "personal information" means information about a consumer's character, reputation, health, physical or personal characteristics or mode of living;
- (k) "Registrar" means the Registrar of Consumer Reporting Agencies;
- (l) "regulations" means the regulations made under this Act;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Agreements
to waive

(2) This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

2.—(1) There shall be a Registrar of Consumer Reporting Agencies who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Registration
of consumer
reporting
agencies

3. No person shall conduct or act as a consumer reporting agency unless he is registered by the Registrar under this Act.

Registration

4.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

(3) A registration is not transferable.

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2 the Registrar may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in

accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Continuance
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order
effective,
stay

R.S.O. 1970,
c. 113

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Further
applications

7. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

To whom
reports may
be given

8.—(1) No consumer reporting agency and no officer or employee thereof shall knowingly furnish any information from the files of the consumer reporting agency except in a consumer report given,

(a) in response to the order of a court having jurisdiction to issue such an order;

(b) in accordance with the written instructions of the consumer to whom the information relates; or

(c) to a person who it has reason to believe,

- (i) intends to use the information in connection with the extension of credit to or the collection of a debt of the consumer to whom the information pertains,
- (ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement,
- (iii) intends to use the information for employment purposes,
- (iv) intends to use the information in connection with the underwriting of insurance involving the consumer,
- (v) intends to use the information to determine the consumer's eligibility for any matter under a statute or regulation where the information is relevant to the requirement prescribed by law,
- (vi) otherwise has a direct business need for the information in connection with a business transaction involving the consumer.

(2) No person shall knowingly obtain any information ^{Idem} from the files of a consumer reporting agency respecting a consumer except for the purposes referred to in subsection 1.

(3) Notwithstanding subsections 1 and 2, a consumer ^{Information as to identities} reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to any ministry of the Government of Ontario or of Canada or any province thereof, notwithstanding that such information is not to be used for a purpose mentioned in clause c of subsection 1.

(4) A consumer reporting agency shall not sell, lease or ^{Sale of files} transfer title to its files or any of them except to another consumer reporting agency registered under this Act.

9.—(1) Every consumer reporting agency shall adopt all ^{Procedures of agencies} procedures reasonable for ensuring the greatest possible accuracy and fairness in the contents of its consumer reports.

(2) A consumer reporting agency shall not report,

^{Information included in consumer report}

- (a) any information that is not stored in a form capable of being produced under section 11;
- (b) any information that is not extracted from information appearing in files stored or collected in a repository located in Canada.

Idem

(3) A consumer reporting agency shall not include in a consumer report,

- (a) any information based on evidence that is not corroborated unless the lack of corroboration is noted with and accompanies the information;
- (b) any personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based;
- (c) information as to judgments after seven years after the judgment was given, unless the creditor or his agent confirms in writing that it remains unpaid in whole or in part, and such confirmation appears in the file, or information in respect of a judgment fully paid;
- (d) information as to any judgment against the consumer unless mention is made of the name and address of the judgment creditor as given at the date of entry of the judgment and the amount;
- (e) information as to bankruptcies after fourteen years from the date of assignment or petition in the most recent bankruptcy;
- (f) information regarding any writs, judgments, collections or debts that are statute barred unless it is accompanied by evidence appearing in the file that recovery is not barred by the expiration of a limitation period;
- (g) information as to the payment or non-payment of taxes or lawfully imposed fines after seven years;
- (h) information as to convictions for crimes, after seven years from the date of conviction or, where the conviction resulted in imprisonment, from the date of release or parole, provided information as to con-

victions for crimes shall not be reported if at any time it is learned that after a conviction a full pardon has been granted;

- (i) information regarding writs that are more than seven years old or writs that were issued against the consumer more than twelve months prior to the making of the report unless the consumer reporting agency has ascertained the current status of the action and has a record of this on file;
- (j) information regarding any criminal charges against the consumer where the charges have been dismissed, set aside or not proceeded with;
- (k) any other adverse item of information that is more than seven years old unless it is voluntarily supplied by the consumer to the consumer reporting agency;
- (l) information as to race, creed, colour, ancestry, ethnic origin, or political affiliation;
- (m) any information given orally unless the content of the oral report is noted in writing in the file; or
- (n) any other information prescribed by the regulations.

10.—(1) Every person shall, upon the request of a consumer, inform the consumer whether or not a consumer report respecting him is being referred to in connection with any specified transaction or matter in which such person is engaged, and, if so, of the name and address of the consumer reporting agency supplying the report. Disclosure of report on demand

(2) No person shall procure or cause to be prepared a consumer report containing personal information respecting a consumer unless he notifies the consumer of the fact and the name and address of the consumer reporting agency in writing, delivered not later than five days after the report is requested. Notice of intention to procure consumer report

(3) Where a person proposes to extend credit to a consumer and has obtained or proposes to obtain a consumer report containing credit information only, he shall give notice of the fact to the consumer in writing at the time of the application for credit, or if the application is made orally, orally at the time of the application for credit. Idem

(4) No person extending credit to a consumer shall divulge to other credit grantors any information as to transactions or experiences between himself and the consumer unless he Notice of passing on credit information

notifies the consumer in writing at the time of the application for credit that he intends to do so.

Form of
notice

(5) Any notice referred to in this section may be contained in the application for credit if it is clearly set forth in bold type not less than ten point in size above the signature of the consumer.

Adverse
action

(6) Where credit involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information received from a consumer reporting agency or a person other than a consumer reporting agency, the user of such information shall deliver to the consumer at the time such action is communicated to the consumer notice of the fact and,

- (a) of the nature of the information where the information is furnished by a person other than a consumer reporting agency; or
- (b) of the name and address of the consumer reporting agency, where the information is furnished by a consumer reporting agency.

Right of
consumer to
disclosure

11.—(1) Every consumer reporting agency shall, at the written request of a consumer and during normal business hours clearly and accurately disclose to the consumer, without charge,

- (a) the nature and substance of all information in its files pertaining to the consumer at the time of the request;
- (b) the sources of credit information;
- (c) the names of the recipients of any consumer report pertaining to the consumer that it has furnished,
 - (i) for employment purposes, within the two year period preceding the request, and
 - (ii) for any other purpose, within the six month period preceding the request;
- (d) copies of any written report made pertaining to the consumer to any other person or, where the report was oral, particulars of the content of such oral report,

and shall inform the consumer of his right to protest any information contained in the file under sections 12 and 13 and the manner in which a protest may be made.

(2) The disclosures required under this section shall be made ^{Method of disclosure} to the consumer,

- (a) in person if he appears in person and furnishes proper identification ;
- (b) by telephone if he has made a written request, with sufficient identification, for telephone disclosure and the toll charge, if any, for the telephone call is pre-paid by or charged directly to the consumer.

(3) Every consumer reporting agency shall provide trained ^{Idem} personnel to explain to the consumer any information furnished to him under this section.

(4) The consumer shall be permitted to be accompanied by one ^{Consumer's adviser} other person of his choosing to whom the consumer reporting agency may be required by the consumer to disclose his file.

(5) The consumer reporting agency shall permit the con- ^{Abstract}sumer to whom information is disclosed under this section to make an abstract thereof.

(6) A consumer reporting agency shall require reasonable ^{Identification} identification of the consumer and a person accompanying him before making disclosures under this section.

(7) A consumer reporting agency shall not require a con- ^{No conditions}sumer to give any undertaking or waive or release any right or chose in action as a condition precedent to his access to his file under this section.

12.—(1) Where a consumer disputes the accuracy or com- ^{Correction of errors}pleteness of any item of information contained in his file, the consumer reporting agency shall use its best endeavours to confirm or complete the information and shall correct, supplement or delete the information in accordance with good practice.

(2) Where a consumer reporting agency corrects, supple- ^{Idem}ments or deletes information under subsection 1, the consumer reporting agency shall, at the request of the consumer, furnish notification of the correction, supplement or deletion to any person specifically designated by the consumer who received a consumer report based on the unamended file within two years before the correction, supplement or deletion is made.

Order by
Registrar
re
information

13.—(1) The Registrar may order a consumer reporting agency to amend or delete any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with the provisions of this Act or the regulations.

Enforcement
of order

(2) The Registrar may order a consumer reporting agency to furnish notification to any person who has received a consumer report of any amendments, deletions, restrictions or prohibitions imposed by the Registrar.

Hearing by
Tribunal

(3) Where the consumer or consumer reporting agency considers himself aggrieved by a decision of the Registrar under this section, he may apply to the Tribunal for a hearing and section 6 applies, *mutatis mutandis*, to the decision in the same manner as to a proposal by the Registrar under section 6 and as if the consumer and the consumer reporting agency each were an applicant or registrant, except that an order of the Registrar may be issued and take effect immediately, but the Tribunal may grant a stay until the order becomes final.

Disclosure
of sources

(4) At a hearing before the Tribunal for the purposes of subsection 3, the consumer may require the consumer reporting agency to disclose the source of any information contained in its files.

Notice of
material
changes

14. Every consumer reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; and
- (c) in the case of a corporation, any change in the ownership of its shares.

Investigation
of complaints

15.—(1) Where the Registrar receives a complaint in respect of a consumer reporting agency and so requests in writing, the consumer reporting agency shall, where it has received the consumer's consent in writing, furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice

at any reasonable time enter upon the business premises of the consumer reporting agency to make an inspection in relation to the complaint.

16. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under the Act. ^{Investigation on order of Minister} 1971, c. 49

17.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, ^{Investigation by Director}

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act, ^{R.S.C. 1970, c. C-34}

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section and, notwithstanding section 8, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and
search

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

18.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 15, 16 or 17 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

19.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

20.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

False
information

21. No person shall knowingly supply false or misleading information to another who is engaged in making a consumer report.

Offences

22.—(1) Every person who,

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

23.—(1) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister. ^{Proof of Minister's signature}

24. The Lieutenant Governor in Council may make Regulations regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (d) requiring registered consumer reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (f) requiring and governing the books, accounts and records that shall be kept by consumer reporting agencies;
- (g) prescribing information that may not be reported by a consumer reporting agency or contained in its files;
- (h) prescribing information that must be contained in a consumer report;
- (i) requiring consumer reporting agencies to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;

- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

Commence-
ment

25. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

26. This Act may be cited as *The Consumer Reporting Act, 1972*.

An Act to control the
Storage and Supply of personal
Information for rating Purposes

1st Reading

November 23rd, 1972

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N
KB
B56

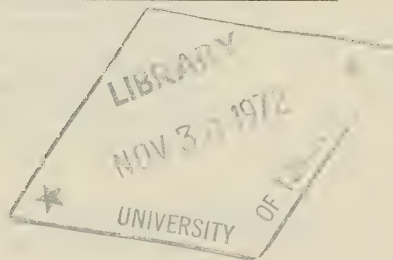
BILL 230

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Family Benefits Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The purpose of the Bill is to provide for interim payments for maintenance to an applicant or recipient after a request for review has been made to the board.

SECTION 2. The amendment corrects an error in reference.

BILL 230

1972

An Act to amend The Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is amended by adding thereto the following subsections:

- (1a) Where a request for a hearing in accordance with section 10c has been made and the board of review is satisfied that there may be financial hardship to the applicant or recipient during the period of time needed for the board to complete its review and make a decision, the board may, before holding the hearing, direct the Director to provide from time to time such amount as the board considers necessary for the maintenance of the applicant or recipient and any of his dependants until the board has completed its review and has given notice of its decision to the applicant or recipient, provided that such amount shall not exceed the maximum amount of an allowance prescribed in the regulations. Interim
payments
- (1b) *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of the board of review under subsection 1a. 1971, c. 47,
not to apply

2. Subsection 3 of section 16 of the said Act is amended by striking out "subsection 5 of section 16 of *The Family Benefits Act, 1967*" in the third and fourth lines and inserting in lieu thereof "subsection 4 of section 14 of *The Family Benefits Act, 1966*". s. 16(3),
amended

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Family Benefits Amendment Act, 1972*. Short title

An Act to amend
The Family Benefits Act

1st Reading

November 23rd, 1972

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

BILL 230

2ND SESSION, 29TH LEGISLATURE, ONTARIO Le
21 ELIZABETH II, 1972

An Act to amend The Family Benefits Act

THE HON. R. BRUNELLE
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amended

Interim
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not to apply

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An Act to amend
The Family Benefits Act

1st Reading

November 23rd, 1972

2nd Reading

December 5th, 1972

3rd Reading

December 8th, 1972

THE HON. R. BRUNELLE
Minister of Community and
Social Services

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish The Noise Research Bureau

MRS. SCRIVENER



EXPLANATORY NOTE

The purpose of this Bill is to establish a bureau which will co-ordinate studies and research on noise measurement and control.

BILL 231

1972

An Act to establish The Noise Research Bureau

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Bureau" means the Noise Research Bureau;

(b) "Minister" means the Minister of the Environment.

2.—(1) A bureau to be known as the "Noise Research Bureau" is hereby established. Bureau
established

(2) The Bureau shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council. Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Bureau. Chairman

4. Five members of the Bureau constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Bureau. Vacancies

6.—(1) The objects of the Bureau are and it has power, Objects
and powers

(a) to study the public attitude towards noise in the environment;

(b) to establish noise indicator charts which will set out the maximum safe sound pressure levels for certain sources in the environment;

(c) to study the practicability of the decibel scale as a unit for accurately measuring noise;

- (d) to establish methods of accurately identifying individual sources of noise;
- (e) to co-ordinate future noise research studies and studies now being carried out under government research grants;
- (f) to inform the Minister as to the results of any study made by the Bureau; and
- (g) to disseminate information respecting the recognition and prevention of noise pollution in the environment.

Further powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Bureau may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

7. The Bureau may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Annual report

8. The Bureau shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Noise Research Bureau Act, 1972*.

An Act to establish
The Noise Research Bureau

1st Reading

November 23rd, 1972

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

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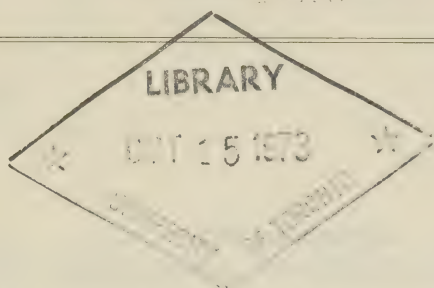
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BILL 232

Private Member's Bill

Government
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972



An Act to amend The Employment Standards Act

MR. DREA

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 232

1972

**An Act to amend
The Employment Standards Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 36 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 36(1) (*f*).
re-enacted

(*f*) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof, except for a superintendent, janitor or caretaker of a residential building who resides in the building.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Employment Standards Amendment Act, 1972*. Short title

An Act to amend
The Employment Standards Act

1st Reading

November 23rd, 1972

2nd Reading

3rd Reading

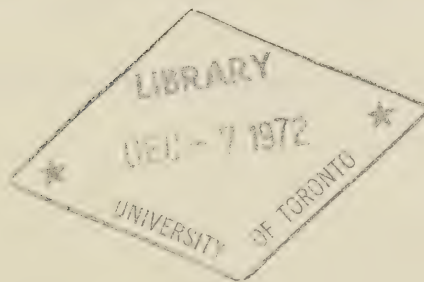
MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the amendment is to provide for the medical testing of motor vehicle drivers suspected of being under the influence of drugs.

BILL 233

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

20a. Where a peace officer on reasonable and probable grounds believes that a person is driving or has the care and control of a motor vehicle, or at any time within the preceding two hours has driven or had the care and control of a motor vehicle, while his ability to drive a motor vehicle is or was impaired by a drug, the peace officer may require the person forthwith or as soon thereafter as is practicable to submit to such medical examination as may be necessary to determine the presence or absence of a drug and such person shall be deemed to have consented to such medical examination.

s. 20a,
enacted

Medical
examination
where
reasonable
belief driver
under
influence
of a drug

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

Short title

An Act to amend
The Highway Traffic Act

1st Reading

November 24th, 1972

2nd Reading

3rd Reading

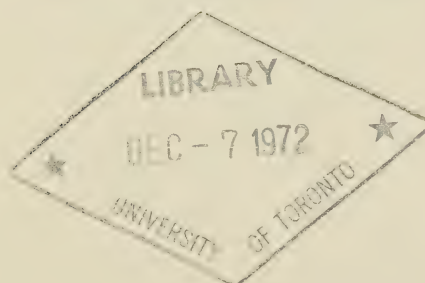
MR. SHULMAN

(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Employment Standards Act**

MR. BOUNSALL



EXPLANATORY NOTE

Self-explanatory.

BILL 234

1972

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Employment Standards Act*, being ^{s. 12,} chapter 147 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

12. This Part applies to,

Application
of Part

- (a) the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown; and
- (b) a person who is laid off or terminated during or as a result of a strike or lock-out at his place of employment.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Employment Standards* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Employment Standards Act

1st Reading

November 27th, 1972

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

THE HON. F. GUINDON
Minister of Labour



EXPLANATORY NOTE

The purpose of this Bill is to reduce delays in the arbitration process by abridging the existing time limits before arbitration begins and the duration of the arbitration and by making the date of the giving of the arbitration award the date when the award is effective.

The Bill also permits arbitration by a single arbitrator upon agreement, and provides for multiple arbitration of several hospital disputes.

The Bill also limits the period of time an award is to be operative.

The Bill also requires the immediate termination of any strike or lock-out of persons employed in a stationary power plant that is operated principally for one or more than one hospital that is in effect when the Bill comes into force and requires arbitration of the matters in dispute.

BILL 235

1972

An Act to amend The Hospital Labour Disputes Arbitration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act*, being chapter 208 of the Revised Statutes of Ontario, 1970, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Commission" means The Ontario Labour-Management Arbitration Commission.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor:

(3) A laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

(4) A stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

2. Section 3 of the said Act is repealed and the following substituted therefor:

3. Where a conciliation officer appointed under section 15 of *The Labour Relations Act* is unable to effect a collective agreement within the time allowed under section 17 of that Act, the Minister shall forthwith by notice in writing inform each of the parties that the conciliation officer has been unable to effect a collective agreement, and sections 16 and 18 of *The Labour Relations Act* shall not apply.

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Arbitration

4. Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters in dispute between the parties shall be decided by arbitration in accordance with this Act.

Appointment
of single
arbitrator

- 4a.—(1) Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 1 of section 5, jointly appoint a person who has indicated his willingness to act.

Single
arbitrator's
powers

- (2) The person so appointed shall constitute the board of arbitration for the purposes of this Act and he shall have the powers and duties of a chairman of a board of arbitration.

Notice to
Minister

- (3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed.

s. 5 (1-6, 10),
re-enacted

4.—(1) Subsections 1, 2, 3, 4, 5, 6 and 10 of section 5 of the said Act are repealed and the following substituted therefor:

Appointment
of board of
arbitration

- (1) Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension
of 7 day
period

- (2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection 1 for one further period of seven days.

Failure
to appoint
member

- (3) Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

Third
member

- (4) Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

- (5) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who,

(a) is employed as an arbitrator by the Commission ;

(b) is approved to act as an arbitrator by the Commission and whose name is on the register of arbitrators maintained by the Commission ;
or

(c) is, in the opinion of the Minister, qualified to act.

- (6) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed.

- (6a) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed.

- (10) If the person appointed jointly by the parties as a single arbitrator dies before he has completed his work or is unable to enter on or to carry on his duties so as to enable him to render a decision within a reasonable time after his appointment, the Minister may, upon notice or complaint to him by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his duties and the provisions of this section relating to the appointment of a board of arbitrators shall thereupon apply *mutatis mutandis*.

- (2) The said section 5 is further amended by adding thereto the following subsections:

- (11a) The chairman of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Registrar of the Commission and the Registrar shall notify the parties and the members of the board of arbitration thereof.

Failure of
member
to attend

- (11b) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chairman, the party shall, upon the request in writing of the chairman, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chairman, appoint a new member in place of such member.

s. 5 (12),
re-enacted

- (3) Subsection 12 of the said section 5 is repealed and the following substituted therefor:

Order to
expedite
proceedings

- (12) Where a board of arbitration has been established, the chairman shall keep the Registrar of the Commission advised of the progress of the arbitration and where the Registrar advises the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he considers necessary in the circumstances to ensure that a decision will be rendered without delay.

ss. 5a, 5b,
enacted

- 5.** The said Act is amended by adding thereto the following sections:

Appointment
or
proceedings
of board
not subject
to review

- 5a. Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Act and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings.

Single
arbitration
of several
disputes

- 5b.—(1) Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Act, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration.

Parties

- (2) For the purposes of section 5, the trade unions and councils of trade unions that are the bargaining agents for or on behalf of any hospital employees to whom this Act applies shall be one party and the employers of such employees shall be the other party.

Powers
of board

- (3) In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Act,

(a) make a decision on matters of common dispute between all of the parties; and

(b) refer matters of particular dispute to the parties concerned for further bargaining.

(4) Where matters of particular dispute are not resolved ^{Idem} by further collective bargaining pursuant to clause b of subsection 3, the board shall decide the matters.

6. Subsections 2, 3, 4, 5, 6, 7 and 8 of section 7 of the said Act are repealed and the following substituted therefor: ^{s. 7 (2-8), re-enacted}

(2) If the parties fail to put the terms of all the matters ^{Failure to make agreement} agreed upon by them in writing or if having put the terms of their agreement in writing either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement, and the provisions of sections 3 and 4 or sections 5 and 6, as the case may be, shall apply.

(3) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties. ^{Decision of board}

(4) Where the parties have not notified the board of ^{Idem} arbitration in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

(5) Within five days of the date of the decision of the ^{Execution of agreement} board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement.

Preparation
of agreement
by board

- (6) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 4, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution.

Failure
to execute
agreement

- (7) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes a collective agreement under *The Labour Relations Act*.

R.S.O. 1970,
c. 232

Effective
date

- (8) Except in arbitrations under section 5*b*, the date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties.

Idem

- (9) The date the board of arbitration gives its decision under section 5*b* upon matters of common dispute shall be deemed to be the effective date of the document that constitutes a collective agreement between the parties.

Term of
agreement

- (10) Except where the parties agree to a longer term of operation, any document that constitutes a collective agreement between the parties shall remain in force for a period of one year from the effective date of the document.

Idem

- (11) Notwithstanding the provisions of subsection 9 and except where the parties agree to a longer term of operation, a document that constitutes a collective agreement shall cease to operate on the expiry of a period of two years,

(a) from the day upon which notice was given under section 13 of *The Labour Relations Act*; or

(b) from the day upon which the previous collective agreement ceased to operate where notice was given under section 45 of *The Labour Relations Act*.

(12) Where under subsection 10, the period of two years ^{Idem} has expired on or will expire within a period of less than ninety days from the date the board of arbitration gives its decision, the document that constitutes a collective agreement shall continue to operate for a period of ninety days from the date the board of arbitration gives its decision for the purposes of subsection 4 of section 5, subsection 1 of section 45 and subsection 2 of section 49 of *The Labour Relations Act*. ^{R.S.O. 1970, c. 232}

(13) In making its decision upon matters in dispute between the parties, the board of arbitration may provide, ^{Idem}

(a) where notice was given under section 13 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 45 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which the previous agreement ceased to operate.

7. Subsections 2 and 3 of section 8 of the said Act are repealed and the following substituted therefor: ^{s. 8 (2), re-enacted; s. 8 (3), repealed}

(2) Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83 and 84 of *The Labour Relations Act* as amended or re-enacted from time to time apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act. ^{Application of R.S.O. 1970, c. 232}

8.—(1) Subsection 1 of section 9 of the said Act is amended by striking out “or mediator” in the fifth and sixth lines. ^{s. 9 (1), amended}

(2) Subsection 2 of the said section 9 is amended by striking out “or mediator” in the fifth line and in the thirteenth line. ^{s. 9 (2), amended}

9. The said Act is further amended by adding thereto the following sections: ^{ss. 11a-11d, enacted}

11a. A notice by the Minister that a conciliation officer has been unable to effect a collective agreement if sent by mail to a party addressed to the party at its ^{Mailed notice}

last known address shall be deemed to have been received on the second day after the day on which the notice was so mailed.

Filing of
decisions

11*b*. Every chairman of a board of arbitration shall file a copy of every decision of the board with the Registrar of the Commission.

Surveys and
research
programs

11*c*.—(1) The Minister may require such surveys and research programs to be conducted as he considers advisable or necessary for the assistance of parties and boards of arbitration.

Idem

(2) A copy of any survey or research program conducted under subsection 1 or of the results thereof shall be admissible in evidence before a board of arbitration established under this Act.

Application
of 1971, c. 47

11*d*. Part I of *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before a board of arbitration established under this Act.

Current
strikes and
lock-outs

10.—(1) Where persons employed in the operation of a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act* are on strike or locked out when this Act comes into force, the strike or lock-out shall be terminated immediately and such persons shall return to work, and the matters in dispute between the parties shall be determined by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

Application
of R.S.O. 1970,
c. 232

(2) The provisions of sections 85, 86, 87, 88 and 90 of *The Labour Relations Act* shall apply, *mutatis mutandis*, to a contravention of subsection 1.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1972*.

An Act to amend
The Hospital Labour Disputes
Arbitration Act

1st Reading

November 30th, 1972

2nd Reading

3rd Reading

THE HON. F. GUINDON
Minister of Labour

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO *Legis*
21 ELIZABETH II, 1972

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

THE HON. F. GUINDON
Minister of Labour

LIBRARY

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to reduce delays in the arbitration process by abridging the existing time limits before arbitration begins and the duration of the arbitration and by making the date of the giving of the arbitration award the date when the award is effective.

The Bill also permits arbitration by a single arbitrator upon agreement, and provides for multiple arbitration of several hospital disputes.

The Bill also limits the period of time an award is to be operative.

The Bill also requires the immediate termination of any strike or lock-out of persons employed in a stationary power plant that is operated principally for one or more than one hospital that is in effect when the Bill comes into force and requires arbitration of the matters in dispute.

An Act to amend The Hospital Labour Disputes Arbitration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act*, being chapter 208 of the Revised Statutes of Ontario, 1970, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Commission" means The Ontario Labour-Management Arbitration Commission.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor:

(3) A laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

(4) A stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

2. Section 3 of the said Act is repealed and the following substituted therefor:

3. Where a conciliation officer appointed under section 15 of *The Labour Relations Act* is unable to effect a collective agreement within the time allowed under section 17 of that Act, the Minister shall forthwith by notice in writing inform each of the parties that the conciliation officer has been unable to effect a collective agreement, and sections 16 and 18 of *The Labour Relations Act* shall not apply.

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Arbitration

4. Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters in dispute between the parties shall be decided by arbitration in accordance with this Act.

Appointment
of single
arbitrator

- 4a.—(1) Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 1 of section 5, jointly appoint a person who has indicated his willingness to act.

Single
arbitrator's
powers

- (2) The person so appointed shall constitute the board of arbitration for the purposes of this Act and he shall have the powers and duties of a chairman of a board of arbitration.

Notice to
Minister

- (3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed.

s. 5 (1-6, 10),
re-enacted

4.—(1) Subsections 1, 2, 3, 4, 5, 6 and 10 of section 5 of the said Act are repealed and the following substituted therefor:

Appointment
of board of
arbitration

- (1) Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension
of 7 day
period

- (2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection 1 for one further period of seven days.

Failure
to appoint
member

- (3) Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

Third
member

- (4) Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

- (5) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who,

- (a) is employed as an arbitrator by the Commission ;
- (b) is approved to act as an arbitrator by the Commission and whose name is on the register of arbitrators maintained by the Commission ;
or
- (c) is, in the opinion of the Minister, qualified to act.

- (6) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed.

- (6a) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed.

- (10) If the person appointed jointly by the parties as a single arbitrator dies before he has completed his work or is unable to enter on or to carry on his duties so as to enable him to render a decision within a reasonable time after his appointment, the Minister may, upon notice or complaint to him by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his duties and the provisions of this section relating to the appointment of a board of arbitrators shall thereupon apply *mutatis mutandis*.

- (2) The said section 5 is further amended by adding thereto the following subsections :

- (11a) The chairman of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Registrar of the Commission and the Registrar shall notify the parties and the members of the board of arbitration thereof.

Failure of
member
to attend

- (11b) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chairman, the party shall, upon the request in writing of the chairman, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chairman, appoint a new member in place of such member.

s. 5 (12),
re-enacted

- (3) Subsection 12 of the said section 5 is repealed and the following substituted therefor:

Order to
expedite
proceedings

- (12) Where a board of arbitration has been established, the chairman shall keep the Registrar of the Commission advised of the progress of the arbitration and where the Registrar advises the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he considers necessary in the circumstances to ensure that a decision will be rendered without delay.

ss. 5a, 5b,
enacted

5. The said Act is amended by adding thereto the following sections:

Appointment
or
proceedings
of board
not subject
to review

- 5a. Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Act and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings.

Single
arbitration
of several
disputes

- 5b.—(1) Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Act, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration.

Parties

- (2) For the purposes of section 5, the trade unions and councils of trade unions that are the bargaining agents for or on behalf of any hospital employees to whom this Act applies shall be one party and the employers of such employees shall be the other party.

Powers
of board

- (3) In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Act,

- (a) make a decision on matters of common dispute between all of the parties; and
 - (b) refer matters of particular dispute to the parties concerned for further bargaining.
- (4) Where matters of particular dispute are not resolved ^{Idem} by further collective bargaining pursuant to clause b of subsection 3, the board shall decide the matters.
- 6.** Subsections 2, 3, 4, 5, 6, 7 and 8 of section 7 of the ^{s. 7 (2-8), re-enacted} said Act are repealed and the following substituted therefor:
- (2) If the parties fail to put the terms of all the matters ^{Failure to make agreement} agreed upon by them in writing or if having put the terms of their agreement in writing either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement, and the provisions of sections 3 and 4 or sections 5 and 6, as the case may be, shall apply.
 - (3) Where, during the bargaining under this Act or ^{Decision of board} during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.
 - (4) Where the parties have not notified the board of ^{Idem} arbitration in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.
 - (5) Within five days of the date of the decision of the ^{Execution of agreement} board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement.

Preparation
of agreement
by board

- (6) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 5, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution.

Failure
to execute
agreement

- (7) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes a collective agreement under *The Labour Relations Act*.

R.S.O. 1970,
c. 232

Effective
date

- (8) Except in arbitrations under section 5*b*, the date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties.

Idem

- (9) The date the board of arbitration gives its decision under section 5*b* upon matters of common dispute shall be deemed to be the effective date of the document that constitutes a collective agreement between the parties.

Term of
agreement

- (10) Except where the parties agree to a longer term of operation, any document that constitutes a collective agreement between the parties shall remain in force for a period of one year from the effective date of the document.

Idem

- (11) Notwithstanding the provisions of subsection 10 and except where the parties agree to a longer term of operation, a document that constitutes a collective agreement shall cease to operate on the expiry of a period of two years,

(a) from the day upon which notice was given under section 13 of *The Labour Relations Act*; or

(b) from the day upon which the previous collective agreement ceased to operate where notice was given under section 45 of *The Labour Relations Act*.

- (12) Where under subsection 11, the period of two years ^{Idem} has expired on or will expire within a period of less than ninety days from the date the board of arbitration gives its decision, the document that constitutes a collective agreement shall continue to operate for a period of ninety days from the date the board of arbitration gives its decision for the purposes of subsection 4 of section 5, subsection 1 of section 45 and subsection 2 of section 49 of *The Labour Relations Act*. ^{R.S.O. 1970, c. 232}

- (13) In making its decision upon matters in dispute between the parties, the board of arbitration may provide, ^{Idem}

- (a) where notice was given under section 13 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which such notice was given; or
- (b) where notice was given under section 45 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which the previous agreement ceased to operate.

7. Subsections 2 and 3 of section 8 of the said Act are repealed and the following substituted therefor: ^{s. 8 (2), re-enacted; s. 8 (3), repealed}

- (2) Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83 and 84 of *The Labour Relations Act* as amended or re-enacted from time to time apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act. ^{Application of R.S.O. 1970, c. 232}

8.—(1) Subsection 1 of section 9 of the said Act is amended by striking out “or mediator” in the fifth and sixth lines. ^{s. 9 (1), amended}

(2) Subsection 2 of the said section 9 is amended by striking out “or mediator” in the fifth line and in the thirteenth line. ^{s. 9 (2), amended}

9. The said Act is further amended by adding thereto the following sections: ^{ss. 11a-11d, enacted}

- 11a. A notice by the Minister that a conciliation officer has been unable to effect a collective agreement if sent by mail to a party addressed to the party at its ^{Mailed notice}

last known address shall be deemed to have been received on the second day after the day on which the notice was so mailed.

Filing of
decisions

11*b*. Every chairman of a board of arbitration shall file a copy of every decision of the board with the Registrar of the Commission.

Surveys and
research
programs

11*c*.—(1) The Minister may require such surveys and research programs to be conducted as he considers advisable or necessary for the assistance of parties and boards of arbitration.


Idem

(2) A copy of any survey or research program conducted under subsection 1 or of the results thereof shall be admissible in evidence before a board of arbitration established under this Act.

Application
of 1971, c. 47

11*d*. Part I of *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before a board of arbitration established under this Act.

Current
strikes
and
lock-outs

 **10.**—(1) Where persons employed in the operation of a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act* are on strike or locked out before or after this Act comes into force, the strike or lock-out shall be terminated immediately and such persons shall return to work, and the matters in dispute between the parties shall be determined by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

Current
disputes

(2) Where, before or after the coming into force of this Act, the Minister, by a notice in writing pursuant to the provisions of section 18 of *The Labour Relations Act*, informs the parties to a dispute in respect of persons employed in the operation of,

R.S.O. 1970,
c. 232

(a) a stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital; or

R.S.O. 1970,
c. 333

(b) a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act*,

R.S.O. 1970,
c. 208

that he does not consider it advisable to appoint a conciliation board, the notice shall be deemed to be a notice pursuant to section 3 of *The Hospital Labour Disputes Arbitration Act* and the matters in dispute shall be decided by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

(3) The provisions of sections 85, 86, 87, 88 and 90 of *The Labour Relations Act* shall apply, *mutatis mutandis*, to a contravention of subsection 1. Application of R.S.O. 1970, c. 232

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1972*. Short title

An Act to amend
The Hospital Labour Disputes
Arbitration Act

1st Reading

November 30th, 1972

2nd Reading

December 14th, 1972

3rd Reading

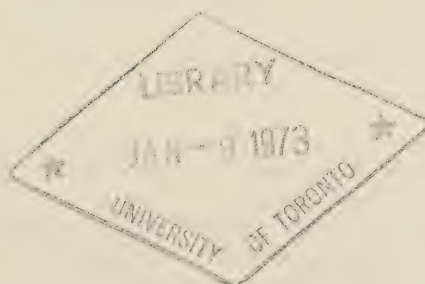
THE HON. F. GUINDON
Minister of Labour

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 235

1972

An Act to amend The Hospital Labour Disputes Arbitration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act*, being chapter 208 of the Revised Statutes of Ontario, 1970, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Commission" means The Ontario Labour-Management Arbitration Commission.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor:

(3) A laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

(4) A stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

2. Section 3 of the said Act is repealed and the following substituted therefor:

3. Where a conciliation officer appointed under section 15 of *The Labour Relations Act* is unable to effect a collective agreement within the time allowed under section 17 of that Act, the Minister shall forthwith by notice in writing inform each of the parties that the conciliation officer has been unable to effect a collective agreement, and sections 16 and 18 of *The Labour Relations Act* shall not apply.

s. 4.
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Arbitration

4. Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters in dispute between the parties shall be decided by arbitration in accordance with this Act.

Appointment
of single
arbitrator

- 4a.—(1) Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 1 of section 5, jointly appoint a person who has indicated his willingness to act.

Single
arbitrator's
powers

- (2) The person so appointed shall constitute the board of arbitration for the purposes of this Act and he shall have the powers and duties of a chairman of a board of arbitration.

Notice to
Minister

- (3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed.

s. 5 (1-6, 10),
re-enacted

4.—(1) Subsections 1, 2, 3, 4, 5, 6 and 10 of section 5 of the said Act are repealed and the following substituted therefor:

Appointment
of board of
arbitration

- (1) Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension
of 7 day
period

- (2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection 1 for one further period of seven days.

Failure
to appoint
member

- (3) Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

Third
member

- (4) Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

- (5) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who,

(a) is employed as an arbitrator by the Commission ;

(b) is approved to act as an arbitrator by the Commission and whose name is on the register of arbitrators maintained by the Commission ;
or

(c) is, in the opinion of the Minister, qualified to act.

- (6) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed.

- (6a) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed.

- (10) If the person appointed jointly by the parties as a single arbitrator dies before he has completed his work or is unable to enter on or to carry on his duties so as to enable him to render a decision within a reasonable time after his appointment, the Minister may, upon notice or complaint to him by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his duties and the provisions of this section relating to the appointment of a board of arbitrators shall thereupon apply *mutatis mutandis*.

- (2) The said section 5 is further amended by adding thereto the following subsections:

- (11a) The chairman of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Registrar of the Commission and the Registrar shall notify the parties and the members of the board of arbitration thereof.

Failure of
member
to attend

- (11b) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chairman, the party shall, upon the request in writing of the chairman, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chairman, appoint a new member in place of such member.

s. 5 (12),
re-enacted

- (3) Subsection 12 of the said section 5 is repealed and the following substituted therefor:

Order to
expedite
proceedings

- (12) Where a board of arbitration has been established, the chairman shall keep the Registrar of the Commission advised of the progress of the arbitration and where the Registrar advises the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he considers necessary in the circumstances to ensure that a decision will be rendered without delay.

ss. 5a, 5b,
enacted

- 5.** The said Act is amended by adding thereto the following sections:

Appointment
or
proceedings
of board
not subject
to review

- 5a. Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Act and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings.

Single
arbitration
of several
disputes

- 5b.—(1) Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Act, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration.

Parties

- (2) For the purposes of section 5, the trade unions and councils of trade unions that are the bargaining agents for or on behalf of any hospital employees to whom this Act applies shall be one party and the employers of such employees shall be the other party.

Powers
of board

- (3) In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Act,

(a) make a decision on matters of common dispute between all of the parties; and

(b) refer matters of particular dispute to the parties concerned for further bargaining.

(4) Where matters of particular dispute are not resolved ^{Idem} by further collective bargaining pursuant to clause b of subsection 3, the board shall decide the matters.

6. Subsections 2, 3, 4, 5, 6, 7 and 8 of section 7 of the ^{s. 7 (2-8), re-enacted} said Act are repealed and the following substituted therefor:

(2) If the parties fail to put the terms of all the matters ^{Failure to make agreement} agreed upon by them in writing or if having put the terms of their agreement in writing either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement, and the provisions of sections 3 and 4 or sections 5 and 6, as the case may be, shall apply.

(3) Where, during the bargaining under this Act or ^{Decision of board} during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

(4) Where the parties have not notified the board of ^{Idem} arbitration in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

(5) Within five days of the date of the decision of the ^{Execution of agreement} board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement.

Preparation
of agreement
by board

- (6) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 5, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution.

Failure
to execute
agreement

- (7) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes a collective agreement under *The Labour Relations Act*.

R.S.O. 1970,
c. 232

Effective
date

- (8) Except in arbitrations under section 5*b*, the date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties.

Idem

- (9) The date the board of arbitration gives its decision under section 5*b* upon matters of common dispute shall be deemed to be the effective date of the document that constitutes a collective agreement between the parties.

Term of
agreement

- (10) Except where the parties agree to a longer term of operation, any document that constitutes a collective agreement between the parties shall remain in force for a period of one year from the effective date of the document.

Idem

- (11) Notwithstanding the provisions of subsection 10 and except where the parties agree to a longer term of operation, a document that constitutes a collective agreement shall cease to operate on the expiry of a period of two years,

(a) from the day upon which notice was given under section 13 of *The Labour Relations Act*; or

(b) from the day upon which the previous collective agreement ceased to operate where notice was given under section 45 of *The Labour Relations Act*.

(12) Where under subsection 11, the period of two years ^{Idem} has expired on or will expire within a period of less than ninety days from the date the board of arbitration gives its decision, the document that constitutes a collective agreement shall continue to operate for a period of ninety days from the date the board of arbitration gives its decision for the purposes of subsection 4 of section 5, subsection 1 of section 45 and subsection 2 of section 49 of *The Labour Relations Act*. ^{R.S.O. 1970, c. 232}

(13) In making its decision upon matters in dispute between the parties, the board of arbitration may provide, ^{Idem}

(a) where notice was given under section 13 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 45 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which the previous agreement ceased to operate.

7. Subsections 2 and 3 of section 8 of the said Act are ^{s. 8 (2), re-enacted; s. 8 (3), repealed} repealed and the following substituted therefor:

(2) Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83 and 84 of *The Labour Relations Act* as amended or re-enacted from time to time apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act. ^{Application of R.S.O. 1970, c. 232}

8.—(1) Subsection 1 of section 9 of the said Act is amended ^{s. 9 (1), amended} by striking out “or mediator” in the fifth and sixth lines.

(2) Subsection 2 of the said section 9 is amended by ^{s. 9 (2), amended} striking out “or mediator” in the fifth line and in the thirteenth line.

9. The said Act is further amended by adding thereto the ^{ss. 11a-11d, enacted} following sections:

11a. A notice by the Minister that a conciliation officer ^{Mailed notice} has been unable to effect a collective agreement if sent by mail to a party addressed to the party at its

last known address shall be deemed to have been received on the second day after the day on which the notice was so mailed.

Filing of
decisions

11b. Every chairman of a board of arbitration shall file a copy of every decision of the board with the Registrar of the Commission.

Surveys and
research
programs

11c.—(1) The Minister may require such surveys and research programs to be conducted as he considers advisable or necessary for the assistance of parties and boards of arbitration.

Idem

(2) A copy of any survey or research program conducted under subsection 1 or of the results thereof shall be admissible in evidence before a board of arbitration established under this Act.

Application
of 1971, c. 47

11d. Part I of *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before a board of arbitration established under this Act.

Current
strikes
and
lock-outs

10.—(1) Where persons employed in the operation of a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act* are on strike or locked out before or after this Act comes into force, the strike or lock-out shall be terminated immediately and such persons shall return to work, and the matters in dispute between the parties shall be determined by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

Current
disputes

(2) Where, before or after the coming into force of this Act, the Minister, by a notice in writing pursuant to the provisions of section 18 of *The Labour Relations Act*, informs the parties to a dispute in respect of persons employed in the operation of,

R.S.O. 1970,
c. 232

R.S.O. 1970,
c. 333

(a) a stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital; or

R.S.O. 1970,
c. 208

(b) a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act*,

that he does not consider it advisable to appoint a conciliation board, the notice shall be deemed to be a notice pursuant to section 3 of *The Hospital Labour Disputes Arbitration Act* and the matters in dispute shall be decided by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

(3) The provisions of sections 85, 86, 87, 88 and 90 of *The Labour Relations Act* shall apply, *mutatis mutandis*, to a contravention of subsection 1. Application of R.S.O. 1970, c. 232

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1972*. Short title

An Act to amend
The Hospital Labour Disputes
Arbitration Act

1st Reading

November 30th, 1972

2nd Reading

December 14th, 1972

3rd Reading

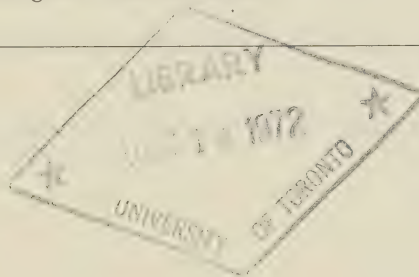
December 15th, 1972

THE HON. F. GUNDON
Minister of Labour

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972)

An Act to amend The Regional Municipality of York Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

In *The Regional Municipality of York Amendment Act, 1972*, authority was given to the Regional Municipality of York to licence plumbers and drainlayers. The amendment adds the power to prohibit the carrying on of such trades without a licence.

BILL 236

1972

An Act to amend The Regional Municipality of York Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 149 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by inserting after "sections" in the first and second lines "246" so that the subsection shall read as follows:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Regional Municipality of York Amendment Act, 1972 (No. 2)*.

An Act to amend
The Regional Municipality of York Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

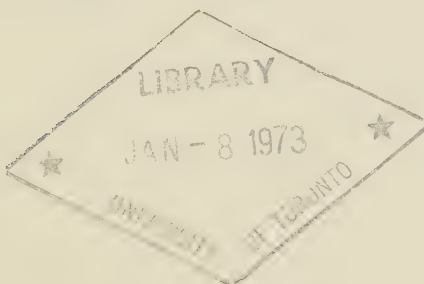
(Government Bill)

BILL 236

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

An Act to amend The Regional Municipality of York Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 236

1972

**An Act to amend
The Regional Municipality of York Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 149 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by inserting after "sections" in the first and second lines "246" so that the subsection shall read as follows:

- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Regional Municipality of York Amendment Act, 1972 (No. 2)*.

An Act to amend
The Regional Municipality of York Act

1st Reading

December 4th, 1972

2nd Reading

December 8th, 1972

3rd Reading

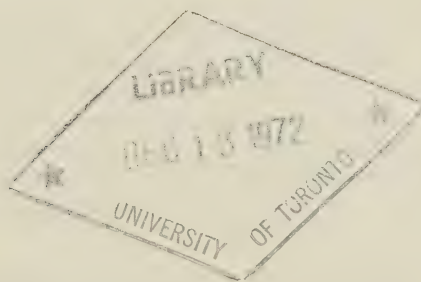
December 14th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The Timmins Police Board is defined for purposes of the Act.

SECTION 2. The amendment will permit the City by by-law to reduce the cost of providing an urban service to designated areas when the City receives any grant or assistance in respect of the urban service and will give the council discretion similar to that contained in general legislation.

BILL 237

1972

An Act to amend The City of Timmins-Porcupine Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Timmins-Porcupine Act, 1972*,^{s. 1, amended} being chapter 117 of the Statutes of Ontario, 1972, is amended by adding thereto the following clause:

(e) "Timmins Police Board" means the City of Timmins Board of Commissioners of Police.

2.—(1) Subsection 3 of section 17 of the said Act is repealed^{s. 17 (3), re-enacted} and the following substituted therefor:

(3) Subject to subsection 4, the aggregate amount of the^{Levy in areas} sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and^{R.S.O. 1970, cc. 255, 284} debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area.

(2) The said section 17 is amended by adding thereto the^{s. 17, amended} following subsection:

(4) Notwithstanding subsection 3, the council of the City<sup>Contri-
bution to
cost out of
general rates</sup> may in any year by by-law provide for a contribution towards the cost of any urban service to be included in the sums adopted for general purposes in accordance with section 307 of *The Municipal Act*, and the agree-

gate amount of the sums necessary to pay such costs for purposes of subsection 3, shall be reduced accordingly.

ss. 25a, 25b,
enacted

3. The said Act is amended by adding thereto the following sections:

Establish-
ment of a
board of com-
missioners of
police
R.S.O. 1970,
c. 251

25a. Notwithstanding *The Police Act*, a board of commissioners of police shall be constituted to be known as the City of Timmins Board of Commissioners of Police, which shall consist of,

- (a) the head of the council;
- (b) a judge of a court having jurisdiction in the Provisional Judicial District of Cochrane designated by the Lieutenant Governor in Council; and
- (c) such person as the Lieutenant Governor in Council may designate.

City of
Timmins
Police Force

25b.—(1) Every person who is a member of a police force of a local municipality within the City on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the City of Timmins Police Force, and the provisions of subsections 3 to 5 of section 25 apply to such members but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

Idem

(2) Every person who is a member of a police force of a local municipality within the City on the 31st day of December, 1972, and becomes a member of the City of Timmins Police Force on the 1st day of January, 1973, is subject to the government of the Timmins Police Board to the same extent as if appointed by the Timmins Police Board and the City of Timmins Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the City of Timmins Police Force.

Terms of
employment

(3) Every person who becomes a member of the City of Timmins Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement

SECTION 3. The new provisions relate to the organization of the police force in the new City of Timmins and the guarantee of former offices of employment and pension and other benefits.

SECTION 4. The purpose of the new section is to permit the City of Timmins to establish fire service areas, and to give the City the same authority as a township to pass by-laws for appointing, insuring and paying fire fighters and for entering into agreements concerning area fire protection and the establishment of joint fire brigades.

System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Timmins Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the City of Timmins Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973; and
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Timmins Police Board as he had standing to his credit in the plan of the local municipality.

(4) On or before the 15th day of December, 1972, the members of the municipal police forces within the City of Timmins shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Timmins Police Board in the manner and for the purposes provided in *The Police Act* and the Timmins Police Board shall be the sole negotiating body to bargain with such committee.

(5) The first meeting of the bargaining committee and the Timmins Police Board shall be held not later than the 31st day of December, 1972.

4. The said Act is further amended by adding thereto the following section:

31a. For the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act* the City is deemed to be a township municipality.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1972*.

An Act to amend
The City of Timmins-Porcupine Act, 1972

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 237

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 237

1972

An Act to amend The City of Timmins-Porcupine Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Timmins-Porcupine Act, 1972*, ^{s. 1, amended} being chapter 117 of the Statutes of Ontario, 1972, is amended by adding thereto the following clause:

- (e) "Timmins Police Board" means the City of Timmins Board of Commissioners of Police.

2.—(1) Subsection 3 of section 17 of the said Act is repealed ^{s. 17 (3), re-enacted} and the following substituted therefor:

- (3) Subject to subsection 4, the aggregate amount of the ^{Levy in areas} sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and ^{R.S.O. 1970, cc. 255, 284} debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area.

(2) The said section 17 is amended by adding thereto the ^{s. 17, amended} following subsection:

- (4) Notwithstanding subsection 3, the council of the City ^{Contribution to cost out of general rates} may in any year by by-law provide for a contribution towards the cost of any urban service to be included in the sums adopted for general purposes in accordance with section 307 of *The Municipal Act*, and the aggre-

gate amount of the sums necessary to pay such costs for purposes of subsection 3, shall be reduced accordingly.

ss. 25a, 25b,
enacted

3. The said Act is amended by adding thereto the following sections:

Establish-
ment of a
board of com-
missioners of
police
R.S.O. 1970,
c. 251

25a. Notwithstanding *The Police Act*, a board of commissioners of police shall be constituted to be known as the City of Timmins Board of Commissioners of Police, which shall consist of,

- (a) the head of the council;
- (b) a judge of a court having jurisdiction in the Provisional Judicial District of Cochrane designated by the Lieutenant Governor in Council; and
- (c) such person as the Lieutenant Governor in Council may designate.

City of
Timmins
Police Force

25b.—(1) Every person who is a member of a police force of a local municipality within the City on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the City of Timmins Police Force, and the provisions of subsections 3 to 5 of section 25 apply to such members but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

Idem

(2) Every person who is a member of a police force of a local municipality within the City on the 31st day of December, 1972, and becomes a member of the City of Timmins Police Force on the 1st day of January, 1973, is subject to the government of the Timmins Police Board to the same extent as if appointed by the Timmins Police Board and the City of Timmins Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the City of Timmins Police Force.

Terms of
employment

(3) Every person who becomes a member of the City of Timmins Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement

System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Timmins Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the City of Timmins Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973; and
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Timmins Police Board as he had standing to his credit in the plan of the local municipality.

- (4) On or before the 15th day of December, 1972, the members of the municipal police forces within the City of Timmins shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Timmins Police Board in the manner and for the purposes provided in *The Police Act* and the Timmins Police Board shall be the sole negotiating body to bargain with such committee.

- (5) The first meeting of the bargaining committee and the Timmins Police Board shall be held not later than the 31st day of December, 1972.

4. The said Act is further amended by adding thereto the following section:

- 31a. For the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act* the City is deemed to be a township municipality.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1972*.

An Act to amend
The City of Timmins-Porcupine Act, 1972

1st Reading

December 4th, 1972

2nd Reading

December 8th, 1972

3rd Reading

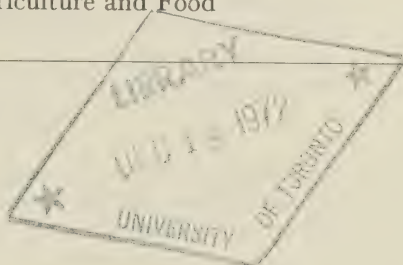
December 14th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The purpose of the section is to clarify the intent of the Act that, in respect of quotas, a marketing board acts administratively and is not required to fix standards by regulation.

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 11 and 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 8 (1),
pars. 11, 12,
re-enacted

11. authorizing a marketing board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

12. authorizing a marketing board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the marketing board considers proper,
- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the marketing board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the

marketing of a regulated product for any reason that the marketing board considers proper, and

- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the marketing board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7a) Everything that is done by a marketing board under the authority of paragraph 12 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

Regulations
deemed valid
and binding

2.—(1) Each of the following regulations:

1. Ontario Regulation 52/68, filed with the Registrar of Regulations on the 26th day of February, 1968, amended by Ontario Regulation 131/68, and consolidated and revised as Regulation 592 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 443/72.
2. Ontario Regulation 68/68, filed with the Registrar of Regulations on the 1st day of March, 1968, amended by Ontario Regulations 336/68, 126/69 and 39/70, and consolidated and revised as Regulation 599 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 47/71.
3. Ontario Regulation 483/70, filed with the Registrar of Regulations on the 24th day of November, 1970, and consolidated and revised as Regulation 596 of Revised Regulations of Ontario, 1970.
4. Ontario Regulation 138/71, filed with the Registrar of Regulations on the 1st day of April, 1971,

shall be deemed to have been made under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which the regulation was filed.

SECTIONS 2 AND 3. Complementary to section 1.

(2) Nothing in subsection 1 limits the power of The Ontario Milk Marketing Board or The Ontario Cream Producers' Marketing Board, as the case may be, to amend or revoke any regulation mentioned in subsection 1. ^{powers not limited}

3.—(1) Everything heretofore done by a marketing board acting or purporting to act pursuant to authority delegated under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act, 1965*, or under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, shall be deemed to have been done under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was done. ^{Actions of marketing board declared valid and binding 1965, c. 72}

(2) Nothing in subsection 1 limits the powers of The Milk Commission of Ontario under section 26 of *The Milk Act*. ^{No limitation on powers}

(3) Nothing in subsection 1 limits the power of a marketing board, ^{Idem}

(a) to amend or revoke any regulation, order or direction;
or

(b) to vary or rescind any decision,

heretofore made.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Milk Amendment Act, 1972*. ^{Short title}

An Act to amend
The Milk Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CAZON

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BILL 238

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2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 11 and 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 8(1),
pars. 11, 12,
re-enacted

11. authorizing a marketing board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

12. authorizing a marketing board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the marketing board considers proper,
- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the marketing board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the

marketing of a regulated product for any reason that the marketing board considers proper, and

- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the marketing board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7a) Everything that is done by a marketing board under the authority of paragraph 12 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

Regulations
deemed valid
and binding

2.—(1) Each of the following regulations:

1. Ontario Regulation 52/68, filed with the Registrar of Regulations on the 26th day of February, 1968, amended by Ontario Regulation 131/68, and consolidated and revised as Regulation 592 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 443/72.
2. Ontario Regulation 68/68, filed with the Registrar of Regulations on the 1st day of March, 1968, amended by Ontario Regulations 336/68, 126/69 and 39/70, and consolidated and revised as Regulation 599 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 47/71.
3. Ontario Regulation 483/70, filed with the Registrar of Regulations on the 24th day of November, 1970, and consolidated and revised as Regulation 596 of Revised Regulations of Ontario, 1970.
4. Ontario Regulation 138/71, filed with the Registrar of Regulations on the 1st day of April, 1971,

shall be deemed to have been made under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which the regulation was filed.

(2) Nothing in subsection 1 limits the power of The Ontario Milk Marketing Board or The Ontario Cream Producers' Marketing Board, as the case may be, to amend or revoke any regulation mentioned in subsection 1. ^{powers not limited}

3.—(1) Everything heretofore done by a marketing board acting or purporting to act pursuant to authority delegated under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act*, 1965, or under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, shall be deemed to have been done under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was done. ^{Actions of marketing board declared valid and binding 1965, c. 72}

(2) Nothing in subsection 1 limits the powers of The Milk Commission of Ontario under section 26 of *The Milk Act*. ^{No limitation on powers}

(3) Nothing in subsection 1 limits the power of a marketing board, ^{Idem}

(a) to amend or revoke any regulation, order or direction ;
or

(b) to vary or rescind any decision,

heretofore made.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Milk Amendment Act, 1972*. ^{Short title}

An Act to amend
The Milk Act

1st Reading

December 4th, 1972

2nd Reading

December 11th, 1972

3rd Reading

December 14th, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

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Government
Publication

BILL 239

Government Bill

2ND SESSION, 29TH ~~LEGISLATURE~~, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Farm Products Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



EXPLANATORY NOTES

SECTION 1. The purpose of the section is to clarify the intent of the Act that, in respect of quotas, a marketing board acts administratively and is not required to fix standards by regulation.

BILL 239

1972

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 12 and 13 of subsection 1 of section 8 <sup>s. 8 (1),
pars. 12, 13,
re-enacted</sup> of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

12. authorizing a local board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product,
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- iv. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on lands or premises in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such lands or premises;

13. authorizing a local board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the local board considers proper,

- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the local board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the local board considers proper, and
- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7) Everything that is done by a local board under the authority of paragraph 13 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

s. 21 (2), (b, c),
re-enacted

2.—(1) Clauses *b* and *c* of subsection 2 of section 21 of the said Act are repealed and the following substituted therefor:

(b) authorizing the local board,

- (i) to require that tobacco be produced on a basis of tobacco acreage or other production quota,
- (ii) to prohibit any person to whom a tobacco acreage or other production quota has not been fixed and allotted or whose tobacco acreage or other production quota has been cancelled from producing tobacco,
- (iii) to prohibit any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iv) to prohibit any person from producing tobacco on land other than a tobacco farm in respect

SECTIONS 2 AND 3. Complementary to section 1.

of which a tobacco acreage or other production quota has been fixed and allotted to such person;

(c) authorizing the local board,

- (i) to fix and allot to persons tobacco acreages or other production quotas on such basis as the local board considers proper,
- (ii) to refuse to allot to any person a tobacco acreage or other production quota on such basis as the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the local board considers proper.

(2) The said section 21 is amended by adding thereto the following subsections: s. 21,
amended

(4a) Where the Board authorizes the local board to exercise any of the powers mentioned in subsection 2, the local board, in the exercise of such powers, may make regulations or orders or issue directions. Exercise of
powers by
local board

(4b) Everything that is done by the local board under the authority of clause c of subsection 2 shall be deemed to be of an administrative and not of a legislative nature. Actions of
local board
deemed to be
administrative

3.—(1) Every order, regulation or direction heretofore made and everything heretofore done by a local board acting or purporting to act pursuant to authority delegated under paragraph 12 or 13 of subsection 1 of section 8 or under clause a, b or c of subsection 2 of section 21 of *The Farm Products Marketing Act* or any predecessors of such paragraphs or clauses, as the case may be, shall be deemed to have been made or done under *The Farm Products Marketing Act*, as amended by sections 1 and 2 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was made or done. Orders, etc.,
deemed to be
valid and
binding

R.S.O. 1970,
c. 162

(2) Nothing in subsection 1 limits the powers of The Farm Products Marketing Board under section 11 of *The Farm Products Marketing Act*. No limitation
on authority

(3) Nothing in subsection 1 limits the power of a local board. Idem

(a) to amend or revoke any regulation, order or direction ;
or

(b) to vary or rescind any decision,

heretofore made.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Farm Products Marketing Amendment Act, 1972*.

An Act to amend
The Farm Products Marketing Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CAZON

XB

-B56

BILL 239

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Farm Products Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 239

1972

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 12 and 13 of subsection 1 of section 8 ^{s. 8 (1),} of *The Farm Products Marketing Act*, being chapter 162 of ^{pars. 12, 13,} the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

12. authorizing a local board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product,
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- iv. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on lands or premises in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such lands or premises;

13. authorizing a local board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the local board considers proper,

- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the local board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the local board considers proper, and
- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7) Everything that is done by a local board under the authority of paragraph 13 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

s. 21 (2), (b, c),
re-enacted

2.—(1) Clauses *b* and *c* of subsection 2 of section 21 of the said Act are repealed and the following substituted therefor:

(b) authorizing the local board,

- (i) to require that tobacco be produced on a basis of tobacco acreage or other production quota,
- (ii) to prohibit any person to whom a tobacco acreage or other production quota has not been fixed and allotted or whose tobacco acreage or other production quota has been cancelled from producing tobacco,
- (iii) to prohibit any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iv) to prohibit any person from producing tobacco on land other than a tobacco farm in respect

of which a tobacco acreage or other production quota has been fixed and allotted to such person ;

(c) authorizing the local board,

- (i) to fix and allot to persons tobacco acreages or other production quotas on such basis as the local board considers proper,
- (ii) to refuse to allot to any person a tobacco acreage or other production quota on such basis as the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the local board considers proper.

(2) The said section 21 is amended by adding thereto the s. 21, amended following subsections :

(4a) Where the Board authorizes the local board to exercise any of the powers mentioned in subsection 2, the local board, in the exercise of such powers, may make regulations or orders or issue directions. Exercise of powers by local board

(4b) Everything that is done by the local board under the authority of clause c of subsection 2 shall be deemed to be of an administrative and not of a legislative nature. Actions of local board deemed to be administrative

3.—(1) Every order, regulation or direction heretofore made and everything heretofore done by a local board acting or purporting to act pursuant to authority delegated under paragraph 12 or 13 of subsection 1 of section 8 or under clause a, b or c of subsection 2 of section 21 of *The Farm Products Marketing Act* or any predecessors of such paragraphs or clauses, as the case may be, shall be deemed to have been made or done under *The Farm Products Marketing Act*, as amended by sections 1 and 2 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was made or done. Orders, etc., deemed to be valid and binding

(2) Nothing in subsection 1 limits the powers of The Farm Products Marketing Board under section 11 of *The Farm Products Marketing Act*. No limitation on authority

(3) Nothing in subsection 1 limits the power of a local board. Idem

(a) to amend or revoke any regulation, order or direction ;
or

(b) to vary or rescind any decision,

heretofore made.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Farm Products Marketing Amendment Act, 1972*.

An Act to amend
The Farm Products Marketing Act

1st Reading

December 4th, 1972

2nd Reading

December 11th, 1972

3rd Reading

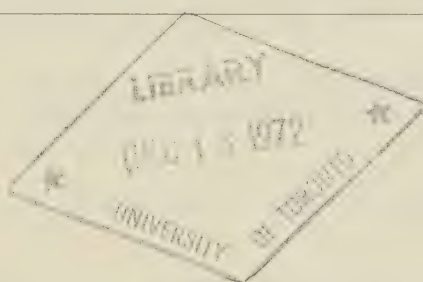
December 14th, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Community Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment makes it clear that capital grants are payable for capital improvements and alterations to existing community centres.

BILL 240

1972

An Act to amend The Community Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Community Centres Act*, being chapter 73 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 2, re-enacted}

2.—(1) The Minister may grant aid to any municipality ^{Grants} for the construction, alteration, extension, acquisition or renovation of a community centre but no grant shall exceed the lesser of,

(a) \$10,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for a community hall or skating arena, or

(ii) an athletic field or outdoor skating rink;

(b) \$15,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for an indoor swimming pool, or

(ii) an outdoor swimming pool;

(c) \$20,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition

or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and a skating arena; or

(d) \$25,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and an indoor swimming pool.

Idem	(2) Grants may be made under subsection 1 to any municipality in respect of more than one community centre.
Provision for moneys	(3) The grants are payable out of the moneys appropriated therefor by the Legislature.
s. 3, repealed	2. Section 3 of the said Act is repealed.
s. 4 (1), amended	3. Subsection 1 of section 4 of the said Act is amended by inserting after "purchase" in the third line "lease".
Commence- ment	4. This Act comes into force on the day it receives Royal Assent.
Short title	5. This Act may be cited as <i>The Community Centres Amendment Act, 1972</i> .

SECTIONS 2 AND 3. The amendments make it clear that community centres under this Act may be acquired by lease.

An Act to amend
The Community Centres Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

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BILL 240

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Community Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services

BILL 240

1972

An Act to amend The Community Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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(a) \$10,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for a community hall or skating arena, or

(ii) an athletic field or outdoor skating rink;

(b) \$15,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for an indoor swimming pool, or

(ii) an outdoor swimming pool;

(c) \$20,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition

or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and a skating arena; or

- (d) \$25,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and an indoor swimming pool.

Idem	(2) Grants may be made under subsection 1 to any municipality in respect of more than one community centre.
Provision for moneys	(3) The grants are payable out of the moneys appropriated therefor by the Legislature.
s. 3, repealed	2. Section 3 of the said Act is repealed.
s. 4 (1), amended	3. Subsection 1 of section 4 of the said Act is amended by inserting after "purchase" in the third line "lease".
Commencement	4. This Act comes into force on the day it receives Royal Assent.
Short title	5. This Act may be cited as <i>The Community Centres Amendment Act, 1972</i> .

An Act to amend
The Community Centres Act

1st Reading

December 4th, 1972

2nd Reading

December 11th, 1972

3rd Reading

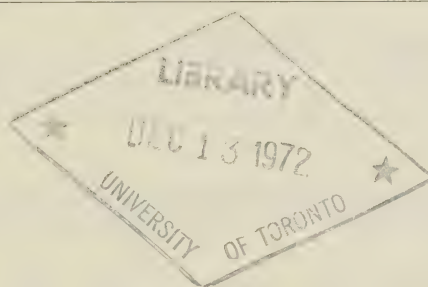
December 14th, 1972

THE HON. R. BRUNELLE
Minister of Community and
Social Services

2ND SESSION, 29TH ~~LEGISLATURE~~, ONTARIO.
21 ELIZABETH II, 1972

An Act to amend The Elderly Persons Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. "Centre" is more clearly defined.

SECTION 2. The first reference to section 3 is removed so as to prevent any ambiguity in intent of the section.

SECTION 3. Self-explanatory.

SECTION 4. The amendment authorizes capital grants to be made by the Minister rather than by order in council.

BILL 241

1972

An Act to amend The Elderly Persons Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Elderly Persons Centres Act*, being chapter 140 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 1 (c),
re-enacted</sup>

(c) "centre" means all or any part of a building or buildings maintained and operated to provide social, recreational or other services for elderly persons.

2. Subsection 3 of section 2 of the said Act, as re-enacted <sup>s. 2 (3),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "or section 3" in the first line.

3. Subsection 1 of section 3 of the said Act is amended <sup>s. 3 (1),
amended</sup> by adding at the end thereof "and may acquire by purchase, lease or otherwise real and personal property for that purpose".

4. Subsection 1 of section 4 of the said Act is repealed <sup>s. 4 (1),
re-enacted</sup> and the following substituted therefor:

- (1) The Minister may out of moneys appropriated therefor by the Legislature direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation, acquisition or the furnishing and equipping of a centre of an amount determined by the regulations but not exceeding 30 per cent or such higher percentage as the regulations prescribe of the cost thereof to the municipality or to the approved corporation, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation <sup>Capital
grants to
centres</sup>

to be used as a centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Special
grants

5. The Minister may out of moneys appropriated therefor by the Legislature direct payment of grants in accordance with the regulations in respect of the cost of those services, facilities or research for elderly persons for which grants by Ontario are not otherwise payable under this Act.

Evaluation
and survey

- 5a. Before selecting or acquiring a site, or erecting or acquiring all or any part of a building or an addition thereto for use as a centre in respect of which a grant is payable by Ontario under this Act, the municipality or corporation establishing or adding to the centre shall establish the need for the centre or the addition thereto to the satisfaction of the Minister and shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the program of the centre and the best interests of the elderly persons to be served by the centre;

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

Approval
of plans

6. No grant under subsection 1 of section 4 shall be made until,
- (a) in the case of the erection or acquisition of all or any part of a building or an addition thereto, the site thereof, selected and evaluated in accordance with the regulations, has been approved by the Minister; and

SECTION 5. The amendment requires site evaluations and community surveys to be made so that the need for a centre can be established before a grant is paid and the amendment authorizes capital grants to be made by the Minister rather than by order in council.

SECTION 6. The application of the section is made more general.

SECTION 7. The amendments expand the regulation making powers so as to include the other changes incorporated in this Bill.

- (b) the plans of the building being erected, altered, extended, renovated or acquired, developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

6. Subsection 1 of section 7 of the said Act is amended^{s. 7 (1), amended} by striking out "a grant under subsection 1 of section 4" in the first and second lines and inserting in lieu thereof "financial aid from Ontario under this Act".

7.—(1) Subclause ii of clause c of section 10 of the said Act is amended by inserting after "acquiring" in the fourth line^{s. 10 (c) (ii), amended} "or furnishing and equipping".

(2) Clause c of the said section 10 is amended by adding^{s. 10 (c), amended} thereto the following subclause:

- (iii) a higher percentage for the maximum amount of a grant payable by Ontario.

(3) The said section 10, as amended by the Statutes of^{s. 10, amended} Ontario, 1971, chapter 50, section 35, is further amended by adding thereto the following clauses:

- (ga) prescribing procedures for selecting and evaluating the site of a building to be erected, acquired or added to by a corporation or municipality, and for conducting a survey of the community and a review of population requirements and the contents of a report to be submitted to the Minister under section 5a;
- (gb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

8. This Act comes into force on the day it receives Royal^{Commence-} Assent^{ment}.

9. This Act may be cited as *The Elderly Persons Centres*^{Short title} *Amendment Act, 1972*.

An Act to amend
The Elderly Persons Centres Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

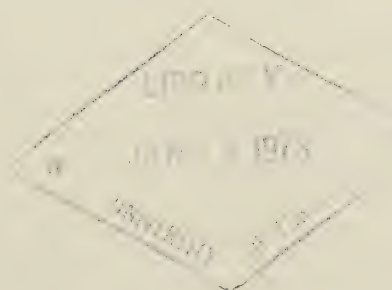
THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Elderly Persons Centres Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 241

1972

An Act to amend The Elderly Persons Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Elderly Persons Centres Act*, being chapter 140 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

(c) "centre" means all or any part of a building or buildings maintained and operated to provide social, recreational or other services for elderly persons.

2. Subsection 3 of section 2 of the said Act, as re-enacted ^{s. 2 (3), amended} by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "or section 3" in the first line.

3. Subsection 1 of section 3 of the said Act is amended ^{s. 3 (1), amended} by adding at the end thereof "and may acquire by purchase, lease or otherwise real and personal property for that purpose".

4. Subsection 1 of section 4 of the said Act is repealed ^{s. 4 (1), re-enacted} and the following substituted therefor:

(1) The Minister may out of moneys appropriated ^{Capital grants to centres} therefor by the Legislature direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation, acquisition or the furnishing and equipping of a centre of an amount determined by the regulations but not exceeding 30 per cent or such higher percentage as the regulations prescribe of the cost thereof to the municipality or to the approved corporation, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation

to be used as a centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Special
grants

5. The Minister may out of moneys appropriated therefor by the Legislature direct payment of grants in accordance with the regulations in respect of the cost of those services, facilities or research for elderly persons for which grants by Ontario are not otherwise payable under this Act.

Evaluation
and survey

5a. Before selecting or acquiring a site, or erecting or acquiring all or any part of a building or an addition thereto for use as a centre in respect of which a grant is payable by Ontario under this Act, the municipality or corporation establishing or adding to the centre shall establish the need for the centre or the addition thereto to the satisfaction of the Minister and shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the program of the centre and the best interests of the elderly persons to be served by the centre;

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

Approval
of plans

6. No grant under subsection 1 of section 4 shall be made until,

(a) in the case of the erection or acquisition of all or any part of a building or an addition thereto, the site thereof, selected and evaluated in accordance with the regulations, has been approved by the Minister; and

- (b) the plans of the building being erected, altered, extended, renovated or acquired, developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

6. Subsection 1 of section 7 of the said Act is amended^{s. 7 (1), amended} by striking out "a grant under subsection 1 of section 4" in the first and second lines and inserting in lieu thereof "financial aid from Ontario under this Act".

7.—(1) Subclause ii of clause c of section 10 of the said Act is amended by inserting after "acquiring" in the fourth line "or furnishing and equipping"^{s. 10 (c) (ii), amended}.

(2) Clause c of the said section 10 is amended by adding^{s. 10 (c), amended} thereto the following subclause:

- (iii) a higher percentage for the maximum amount of a grant payable by Ontario.

(3) The said section 10, as amended by the Statutes of^{s. 10, amended} Ontario, 1971, chapter 50, section 35, is further amended by adding thereto the following clauses:

- (ga) prescribing procedures for selecting and evaluating the site of a building to be erected, acquired or added to by a corporation or municipality, and for conducting a survey of the community and a review of population requirements and the contents of a report to be submitted to the Minister under section 5a;

- (gb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

8. This Act comes into force on the day it receives Royal^{Commence-} Assent^{ment}.

9. This Act may be cited as *The Elderly Persons Centres*^{Short title} *Amendment Act, 1972*.

An Act to amend
The Elderly Persons Centres Act

1st Reading

December 4th, 1972

2nd Reading

December 11th, 1972

3rd Reading

December 14th, 1972

THE HON. R. BRUNELLE
Minister of Community and
Social Services

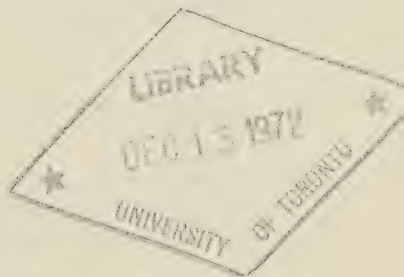
BILL 242

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Judicature Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes provision for supernumerary judges and is complementary to legislation of the Parliament of Canada which provides for the optional retirement of judges at seventy as supernumerary judges for duties as delegated.

BILL 242

1972

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being ^{s. 1 (*k*),} chapter 228 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(*k*) "judge" includes a chief justice, an *ex officio* judge and a supernumerary judge.

2. The said Act is amended by adding thereto the following section: ^{s. 5a,}
^{enacted}

5a. For each office of judge of the Court of Appeal and ^{Super-} of the High Court of Justice there shall be the ^{numera-} judge ^{ry} additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a super- ^{R.S.C. 1970,} ^{c. J-1} numerary judge of that court.

3.—(1) Subsection 3 of section 8 of the said Act is amended ^{s. 8 (3),} ^{amended} by inserting at the commencement thereof "Subject to subsection 4".

(2) The said section 8 is amended by adding thereto the ^{s. 8,} ^{amended} following subsection:

(4) The supernumerary judges have rank and pre-^{Idem} cedence after the other judges and among themselves according to seniority of appointment as a judge.

4. Subsection 1 of section 11 of the said Act is repealed ^{s. 11 (1),} ^{re-enacted} and the following substituted therefor:

(1) Where a judge resigns his office or is appointed to ^{Judgment} ^{after leaving} any other court or elects to hold office only as a ^{office}

supernumerary judge or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event, give judgment in any cause, action or matter previously tried or heard before him, as if he had not so resigned, been appointed, elected or ceased to hold office.

s. 15,
amended

5. Section 15 of the said Act is amended by striking out "or any retired judge of that court" in the fourth line and by striking out "or retired judge" in the tenth line.

Commence-
ment

6. This Act shall be deemed to have come into force on the 1st day of August, 1972.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1972 (No. 2)*.

An Act to amend
The Judicature Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

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BILL 242

Government Bill

Government
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Judicature Act

THE HON. D. A. BALES
Attorney General

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes provision for supernumerary judges and is complementary to legislation of the Parliament of Canada which provides for the optional retirement of judges at seventy as supernumerary judges for duties as delegated.

BILL 242

1972

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (k),
re-enacted

(*k*) "judge" includes a chief justice, an *ex officio* judge and a supernumerary judge.

2. The said Act is amended by adding thereto the following section: s. 5a,
enacted

5a. For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. Super-
numerary
judge
R.S.C. 1970,
c. J-1

3.—(1) Subsection 3 of section 8 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 4". s. 8 (3),
amended

(2) The said section 8 is amended by adding thereto the following subsection: s. 8,
amended

(4) The supernumerary judges have rank and precedence after the other judges and among themselves according to seniority of appointment as a judge. pre-Idem

4. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (1),
re-enacted

(1) Where a judge resigns his office or is appointed to any other court or elects to hold office only as a Judgment
after leaving
office

supernumerary judge or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event, give judgment in any cause, action or matter previously tried or heard before him, as if he had not so resigned, been appointed, elected or ceased to hold office.

s. 15,
amended

5. Section 15 of the said Act is amended by striking out “or any retired judge of that court” in the fourth line and by striking out “or retired judge” in the tenth line.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1972 (No. 2)*.

An Act to amend
The Judicature Act

1st Reading

December 4th, 1972

2nd Reading

December 14th, 1972

3rd Reading

THE HON. D. A. BATES
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO.
21 ELIZABETH II, 1972

An Act to amend The Judicature Act

THE HON. D. A. BALES
Attorney General



BILL 242

1972

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (k), re-enacted}

(*k*) "judge" includes a chief justice, an *ex officio* judge and a supernumerary judge.

2. The said Act is amended by adding thereto the following section: ^{s. 5a, enacted}

5a. For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. ^{Super-numerary judge R.S.C. 1970, c. J-1}

3.—(1) Subsection 3 of section 8 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 4". ^{s. 8 (3), amended}

(2) The said section 8 is amended by adding thereto the following subsection: ^{s. 8, amended}

(4) The supernumerary judges have rank and precedence after the other judges and among themselves according to seniority of appointment as a judge. ^{Idem}

4. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: ^{s. 11 (1), re-enacted}

(1) Where a judge resigns his office or is appointed to any other court or elects to hold office only as a ^{Judgment after leaving office}

supernumerary judge or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event, give judgment in any cause, action or matter previously tried or heard before him, as if he had not so resigned, been appointed, elected or ceased to hold office.

s. 15,
amended

5. Section 15 of the said Act is amended by striking out “or any retired judge of that court” in the fourth line and by striking out “or retired judge” in the tenth line.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1972* (No. 2).

An Act to amend
The Judicature Act

1st Reading

December 4th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO ,
21 ELIZABETH II, 1972

An Act to amend The Schools Administration Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The new subsection is to provide that the chairman shall make the decision in cases where one of the members ceases to act after the hearing has commenced.

SECTION 2. Subsection 1 provides that where the chairman dies or is unable to act before the hearing has commenced, another chairman shall be appointed. Subsections 2 and 3 provide for the granting of a new Board of Reference and the procedure thereat where the chairman ceases to act or the Board is prohibited from acting after the hearing has commenced and before the chairman has reported.

BILL 243

1972

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 90, section 4, is further amended by adding thereto the following subsection:

- (7) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman.

2. The said Act is amended by adding thereto the following section:

26a.—(1) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall direct another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 27 the date of appointment of the chairman is the date of appointment of the chairman directed to act under this section.

- (2) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties,
- (a) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman or is prohibited from acting; or

- (b) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause *a* or *b*, the person who applied for the Board of Reference requests the Minister in writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply *mutatis mutandis* except that the representatives named to the new Board of Reference shall not be the representatives named to the Board of Reference terminated under this subsection and the determination and direction of the costs under section 31 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure
at new Board
of Reference

- (3) Where a new Board of Reference is granted under subsection 2, the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection 2 had not commenced.

s. 28 (2),
repealed

3. Subsection 2 of section 28 of the said Act is repealed.

s. 29 (1, 2),
re-enacted

4. Subsections 1 and 2 of section 29 of the said Act are repealed and the following substituted therefor:

Direction of
Board of
Reference

- (1) A Board of Reference shall direct the continuance of the contract or the discontinuance of the contract.

Report to
Minister

- (2) The chairman of a Board of Reference shall, within seven days after the completion of the hearing and the receipt of any written submissions required by him, report the direction of the Board of Reference to the Minister and to the parties.

Commence-
ment

- 5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 shall be deemed to have come into force on the 1st day of October, 1972.

Short title

6. This Act may be cited as *The Schools Administration Amendment Act, 1972* (No. 2).

SECTION 3. The amendment removes the requirement that meetings of a Board of Reference be held *in camera*.

SECTION 4. The subsections are re-enacted to make the provisions consistent with *The Statutory Powers Procedure Act, 1971*, and to make it clear that the report to the Minister and parties is to be made within seven days after the completion of the hearing and the receipt of any written submissions required by the chairman of the Board of Reference.

An Act to amend The Schools
Administration Act

1st Reading

December 4th, 1972

2nd Reading

3rd Reading

THE HON. T. I. WELLS
Minister of Education

(*Government Bill*)

CA20N

XB

-B56

BILL 243

Governing
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972 ///

An Act to amend The Schools Administration Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 243

1972

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 90, section 4, is further amended by adding thereto the following subsection:

- (7) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman.

s. 26,
amended

Death or
withdrawal
of repre-
sentative

2. The said Act is amended by adding thereto the following section:

- 26a.—(1) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall direct another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 27 the date of appointment of the chairman is the date of appointment of the chairman directed to act under this section.

s. 26a,
enacted

Death, etc.,
of chairman
before
hearing

- (2) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties,
- (a) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman or is prohibited from acting; or

New Board
of Reference
after hearing
commences

- (b) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause *a* or *b*, the person who applied for the Board of Reference requests the Minister in writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply *mutatis mutandis* except that the representatives named to the new Board of Reference shall not be the representatives named to the Board of Reference terminated under this subsection and the determination and direction of the costs under section 31 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure
at new Board
of Reference

- (3) Where a new Board of Reference is granted under subsection 2, the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection 2 had not commenced.

s. 28 (2),
repealed

- 3.** Subsection 2 of section 28 of the said Act is repealed.

s. 29 (1, 2),
re-enacted

- 4.** Subsections 1 and 2 of section 29 of the said Act are repealed and the following substituted therefor:

Direction of
Board of
Reference

- (1) A Board of Reference shall direct the continuance of the contract or the discontinuance of the contract.

Report to
Minister

- (2) The chairman of a Board of Reference shall, within seven days after the completion of the hearing and the receipt of any written submissions required by him, report the direction of the Board of Reference to the Minister and to the parties.

Commence-
ment

- 5.—**(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 shall be deemed to have come into force on the 1st day of October, 1972.

Short title

- 6.** This Act may be cited as *The Schools Administration Amendment Act, 1972 (No. 2)*.

An Act to amend The Schools
Administration Act

1st Reading

December 4th, 1972

2nd Reading

December 6th, 1972

3rd Reading

December 8th, 1972

THE HON. T. L. WELLS
Minister of Education

CA20N
XB
-856

Publication

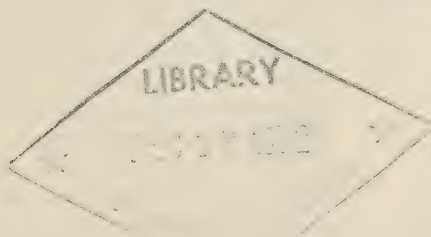
BILL 244

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



EXPLANATORY NOTE

The Bill amends the definition section of the Act to provide a definition of "Assessment Review Court".

The Bill also provides for taxation in 1973 on the basis of market value assessments in municipalities and in school areas comprising territory without municipal organization that may be specified by proclamation.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 79, section 1, 1972, chapter 1, section 89 and 1972, chapter 125, section 1, is further amended by adding thereto the following clause:

(aa) "Assessment Review Court" and "Assessment Review Court established under this Act" mean the Assessment Review Court constituted under *The Assessment Review Court Act, 1972*.^{s. 1, amended} 1972, c. 111

2. The said Act is amended by adding thereto the following section:^{s. 97, enacted}

97.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor by his proclamation may provide that, on a day named in the proclamation, the whole or any part of the provisions of sections 85 to 92 shall cease to be in force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of such a proclamation the provisions of this Act specified in the proclamation cease to be in force in the municipality or territory without municipal organization comprised in a locality named or described as of the date named in the proclamation, but such a proclamation shall not extend the application of any provision therein mentioned beyond the time that the provision would otherwise cease to be in force as set out in section 93, 94 or 95.^{Proclaiming suspension of ss. 85-92}

(2) Notwithstanding section 96, the Lieutenant Governor by his proclamation may name a day earlier than^{Proclaiming certain provisions in force}

the 1st day of January, 1974 upon which the provisions of this Act referred to in section 96 shall cease to be inoperative and shall come into force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of the proclamation such provisions shall cease to be inoperative and shall come into force in the named or described municipality or territory without municipal organization comprised in a locality upon the day named in the proclamation.

Assessment
roll to be
returned

- (3) In any proclamation made under this section, the Lieutenant Governor may also name a day, not less than one month after the date in the proclamation specified as the date when it takes effect in any municipality or territory without municipal organization comprised in a locality, upon which the assessment commissioner for the assessment region within which any municipality or territory without municipal organization comprised in a locality named or described in the proclamation is situated shall return a new assessment roll for the assessment at market value of real property in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and the assessment commissioner shall return a new assessment roll for such municipality or territory without municipal organization comprised in a locality in accordance with the provisions of this Act that will be in force in that municipality or territory without municipal organization comprised in a locality on the day that the new assessment roll is returned.

1973 tax to
be on basis
of new
assessment
roll

- (4) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a municipality described in the proclamation, any municipal or school tax to be levied and raised in the year 1973 by the council of such municipality under the authority of *The Municipal Act*, and any taxes and rates that, by any other enactment, the council of such municipality may be required to levy and collect in the year 1973, and any mill rate to be determined in such municipality for the year 1973 for the purpose of taxation in that year shall be based on the value of property contained in the new assessment roll returned in such municipality in accordance with subsection 3.

R.S.O. 1970,
c. 284

- (5) Notwithstanding section 72, where during the year 1973 a proclamation is made under this section in which a day is named for the return of a new assessment roll in a township, town or village described in the proclamation, the council of the county in which such township, town or village is situated may by by-law passed before the 1st day of August, 1973 determine to apportion the county rate for the year 1973 by taking into consideration and making adjustment for any change in assessment that has resulted from the return of a new assessment roll in accordance with subsection 3 in any township, town or village situated in the county, and except in so far as they are inconsistent with this section, the provisions of section 72 apply to the apportionment of the county rate for the year 1973, and within ten days of the passing of a by-law under this subsection, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality situated within the boundaries of the county. Apportionment of county rate
- (6) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a territory without municipal organization comprised in a locality described in the proclamation, any taxes for school purposes that a public school board, divisional board of education or separate school board levies in the year 1973 in the territory without municipal organization comprised in a locality, and any mill rate to be determined in such territory without municipal organization comprised in a locality for taxation for school purposes in that year, shall be based on the value of property contained in the new assessment roll returned in such territory without municipal organization comprised in a locality in accordance with subsection 3. 1973 tax to be on basis of new assessment roll
- (7) For the purpose of providing an assessment roll for taxation in the year 1974 in any municipality or territory without municipal organization comprised in a locality named or described in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return in the year 1973 in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force Return of second roll not prevented

in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Proclamation
may be for
part of a
municipality
or
unorganized
territory

- (8) A proclamation under this section may be made for part only of a municipality or of territory without municipal organization comprised in a locality, and where a day is named in such proclamation for the return of a new assessment roll in accordance with subsection 3, the new assessment roll shall be returned for only the real property situated in that part of the municipality or territory without municipal organization comprised in a locality that is described in the proclamation.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Assessment Amendment Act, 1972 (No. 2)*.

An Act to amend
The Assessment Act

1st Reading

December 5th, 1972

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

CA20N
KB
-B56

BILL 244

Government of
Public

2ND SESSION, 29TH LEGISLATURE, ONTARIO. He
21 ELIZABETH II, 1972 III

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 79, section 1, 1972, chapter 1, section 89 and 1972, chapter 125, section 1, is further amended by adding thereto the following clause:

(aa) "Assessment Review Court" and "Assessment Review Court established under this Act" mean the Assessment Review Court constituted under *The Assessment Review Court Act*, 1972, c. 111 ^{s. 1, amended}

2. The said Act is amended by adding thereto the following section: ^{s. 97, enacted}

97.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor by his proclamation may provide that, on a day named in the proclamation, the whole or any part of the provisions of sections 85 to 92 shall cease to be in force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of such a proclamation the provisions of this Act specified in the proclamation cease to be in force in the municipality or territory without municipal organization comprised in a locality named or described as of the date named in the proclamation, but such a proclamation shall not extend the application of any provision therein mentioned beyond the time that the provision would otherwise cease to be in force as set out in section 93, 94 or 95. ^{Proclaiming suspension of ss. 85-92}

(2) Notwithstanding section 96, the Lieutenant Governor by his proclamation may name a day earlier than ^{Proclaiming certain provisions in force}

the 1st day of January, 1974 upon which the provisions of this Act referred to in section 96 shall cease to be inoperative and shall come into force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of the proclamation such provisions shall cease to be inoperative and shall come into force in the named or described municipality or territory without municipal organization comprised in a locality upon the day named in the proclamation.

Assessment
roll to be
returned

- (3) In any proclamation made under this section, the Lieutenant Governor may also name a day, not less than one month after the date in the proclamation specified as the date when it takes effect in any municipality or territory without municipal organization comprised in a locality, upon which the assessment commissioner for the assessment region within which any municipality or territory without municipal organization comprised in a locality named or described in the proclamation is situated shall return a new assessment roll for the assessment at market value of real property in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and the assessment commissioner shall return a new assessment roll for such municipality or territory without municipal organization comprised in a locality in accordance with the provisions of this Act that will be in force in that municipality or territory without municipal organization comprised in a locality on the day that the new assessment roll is returned.

1973 tax to
be on basis
of new
assessment
roll

- (4) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a municipality described in the proclamation, any municipal or school tax to be levied and raised in the year 1973 by the council of such municipality under the authority of *The Municipal Act*, and any taxes and rates that, by any other enactment, the council of such municipality may be required to levy and collect in the year 1973, and any mill rate to be determined in such municipality for the year 1973 for the purpose of taxation in that year shall be based on the value of property contained in the new assessment roll returned in such municipality in accordance with subsection 3.

R.S.O. 1970,
c. 284

- (5) Notwithstanding section 72, where during the year 1973 a proclamation is made under this section in which a day is named for the return of a new assessment roll in a township, town or village described in the proclamation, the council of the county in which such township, town or village is situated may by by-law passed before the 1st day of August, 1973 determine to apportion the county rate for the year 1973 by taking into consideration and making adjustment for any change in assessment that has resulted from the return of a new assessment roll in accordance with subsection 3 in any township, town or village situated in the county, and except in so far as they are inconsistent with this section, the provisions of section 72 apply to the apportionment of the county rate for the year 1973, and within ten days of the passing of a by-law under this subsection, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality situated within the boundaries of the county. ^{Apportionment of county rate}
- (6) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a territory without municipal organization comprised in a locality described in the proclamation, any taxes for school purposes that a public school board, divisional board of education or separate school board levies in the year 1973 in the territory without municipal organization comprised in a locality, and any mill rate to be determined in such territory without municipal organization comprised in a locality for taxation for school purposes in that year, shall be based on the value of property contained in the new assessment roll returned in such territory without municipal organization comprised in a locality in accordance with subsection 3. ^{1973 tax to be on basis of new assessment roll}
- (7) For the purpose of providing an assessment roll for taxation in the year 1974 in any municipality or territory without municipal organization comprised in a locality named or described in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return in the year 1973 in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force ^{Return of second roll not prevented}

in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Proclamation
may be for
part of a
municipality
or
unorganized
territory

- (8) A proclamation under this section may be made for part only of a municipality or of territory without municipal organization comprised in a locality, and where a day is named in such proclamation for the return of a new assessment roll in accordance with subsection 3, the new assessment roll shall be returned for only the real property situated in that part of the municipality or territory without municipal organization comprised in a locality that is described in the proclamation.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Assessment Amendment Act, 1972* (No. 2).

An Act to amend
The Assessment Act

1st Reading

December 5th, 1972

2nd Reading

December 8th, 1972

3rd Reading

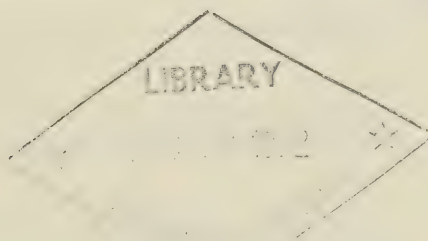
December 14th, 1972

THE HON. A. GROSSMAN
Minister of Revenue

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is:

1. To provide for the transfer to the Director of Milk Industry certain powers and duties now exercised by the Milk Commission.
2. To confer on the Milk Commission additional functions respecting policy planning.
3. To provide new procedures for a review of orders, decisions, directions and regulations made under the Act.
4. To extend the application of the Act to milk from goats.

BILL 245

1972

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: ^{s. 1, amended}

8a. "Director" means the Director of The Milk Industry Branch of the Ministry of Agriculture and Food.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor: ^{s. 1, par. 17, re-enacted}

17. "milk" means milk from cows or goats.

2.—(1) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor: ^{s. 4 (1), re-enacted}

(1) The duties and responsibilities of the Commission are, ^{Duties and responsibilities of Commission}

(a) to exercise such powers as are conferred upon it by or under this Act;

(b) to develop and formulate policies to stimulate and improve the marketing of milk and milk products;

(c) to select, develop and maintain research programs required for policy development and formulation;

(d) to inquire into the efficiency of such policies and the manner in which they are being implemented;

(e) to co-operate with the Canadian Dairy Commission or any other agency of Canada or of

any province of Canada respecting the producing, processing and marketing of milk and milk products;

(f) to provide and maintain liaison with organizations representing producers, processors or transporters in Ontario; and

(g) to conduct such studies as the Minister directs respecting the producing, processing and marketing of milk or milk products, and report thereon to the Minister.

s. 4 (2) (e),
amended

(2) Clause *e* of subsection 2 of the said section 4 is amended by inserting after "producing" in the first line "processing" and by inserting after "production" in the third line "processing".

s. 4 (3),
re-enacted

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Powers of
Commission

1971, c. 49

(3) The Commission, for the purposes of any inquiry, arbitration or investigation under subsection 2, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry, arbitration or investigation as if it were an inquiry under that Act.

s. 8 (1), par. 22,
amended

3.—(1) Paragraph 22 of subsection 1 of section 8 of the said Act is amended by inserting after "the" in the third line "Commission or to a".

s. 8 (1), par. 39,
repealed

(2) Paragraph 39 of subsection 1 of the said section 8 is repealed.

s. 12a,
enacted

4. The said Act is amended by adding thereto the following section:

Responsi-
bility of
Director

12a.—(1) The Director shall be responsible for the administration and enforcement of this Act and the regulations with respect to the quality of milk, milk products and fluid milk products within Ontario.

Powers and
duties of
Director

(2) The Director shall exercise such powers and perform such duties as are conferred or imposed upon him by or under this Act.

Appoint-
ments

(3) Such officers, field-men and other employees as are considered necessary for the exercise of the powers and the performance of the duties of the Director may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

- (4) Every officer, field-man or other employee of the Commission heretofore appointed under subsection 7 of section 3 or under *The Public Service Act* for the administration and enforcement of *The Milk Act* and the regulations with respect to the quality of milk, milk products or fluid milk products within Ontario who is carrying on his duties on the day *The Milk Amendment Act, 1972 (No. 2)* comes into force shall be deemed to have been appointed in accordance with subsection 3.
- Previous appointments deemed to be made under Act
R.S.O. 1970, c. 386

5.—(1) Subsection 1 of section 13 of the said Act is amended by striking out “Commission” in the second and third lines and inserting in lieu thereof “Director”.

s. 13 (1), amended

(2) Subsection 2 of the said section 13 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 13 (2), amended

(3) Subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3), amended

(4) Clause *a* of subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3) (a), amended

6.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (1), amended

(2) Subsection 2 of the said section 14 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (2), amended

7.—(1) Paragraph 5 of section 18 of the said Act is amended by inserting after “Commission” in the second line “or Director”.

s. 18, par. 5, amended

(2) Paragraph 59 of the said section 18 is amended by inserting after “Commission” in the second line and in the third line “or Director”.

s. 18, par. 59, amended

8. Section 20 of the said Act is amended by inserting after “Commission” in the third line “or the Director”.

s. 20, amended

9. Section 23 of the said Act is amended by inserting after “board” in the fourth line “or of any order or direction of the Director” and by inserting after “board” in the eighth line “or by the Director”.

s. 23, amended

s. 26 (1, 2, 4),
re-enacted

10.—(1) Subsections 1, 2 and 4 of section 26 of the said Act are repealed and the following substituted therefor:

Appeal to
Commission

(1) Where any person considers himself aggrieved by any order, direction or decision of the Director, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Idem

(2) Where any person considers himself aggrieved by any order, direction, decision or regulation of a marketing board, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

.

Notice of
appeal

(4) Upon receipt of a notice under subsection 1 or 2, the Commission shall forthwith notify the Director or the marketing board, as the case may be, and the Director or the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents or other materials, of any kind whatsoever, in his or its possession.

s. 26 (5),
amended

(2) Subsection 5 of the said section 26 is amended by striking out "or the marketing board, as the case may be" in the first and second lines.

s. 26 (6, 8-10),
re-enacted

(3) Subsections 6, 8, 9 and 10 of the said section 26 are repealed and the following substituted therefor:

Appeal to
Commission

(6) The Commission shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission may, at the request of the person making the appeal, or of the Director or marketing board, adjourn the hearing from time to time for such period or periods of time as the Commission considers just.

.

Hearing of
appeal

(8) At any hearing of an appeal,

(a) under subsection 1, the Director, either by himself or through counsel; or

(b) under subsection 2, the marketing board, either by its officers, or any of them, or through counsel,

has the right to attend and make representations and to adduce evidence respecting the appeal.

- (9) Upon an appeal to the Commission under subsection 1 or 2, the Commission may, by order, direct the Director or the marketing board, as the case may be, to take such action as the Director or the marketing board is authorized to take under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director or the marketing board. Powers of Commission on appeal

- (10) The Commission shall, within ten days after the hearing is completed, serve notice upon the person making the appeal and upon the Director or the marketing board, as the case may be, of its decision. Notice of decision

(4) Clause *a* of subsection 12 of the said section 26 is s. 26 (12) (a), re-enacted repealed and the following substituted therefor:

- (a) where the notice is served on the Director, the Commission or a marketing board, by mailing the notice to the address of the Director, Commission or marketing board, as the case may be, at his or its usual business address; or

(5) Subsection 13 of the said section 26 is amended by s. 26 (13), amended striking out "or a marketing board" in the first line and by striking out "or marketing board" in the second line.

11. The said Act is further amended by adding thereto ss. 26a, 26b, enacted the following sections:

26a.—(1) Where any person considers himself aggrieved by any order, direction or decision of the Commission, the Director or a marketing board, he may, by application in writing therefor, request the Commission or, notwithstanding subsection 1 or 2 of section 26, the Director or marketing board, as the case may be, to reconsider such order, direction or decision. Application to Commission, etc., for reconsideration of order, etc.

- (2) On any application under subsection 1, the Commission, Director or marketing board, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party No variation in any order, etc., without hearing

and may make such decision pursuant to such hearing as it or he considers proper under this Act and the regulations.

Application
to marketing
board for
reconsidera-
tion of
regulation

26b.—(1) Where any person is affected by any regulation of a marketing board, he may, notwithstanding subsection 2 of section 26, request the marketing board to reconsider the regulation by serving upon the marketing board written notice of the request.

Application
to Com-
mission for
reconsidera-
tion of
application

(2) Where any person is affected by any regulation of the Commission, he may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request.

Opportunity
to be heard

(3) On receipt of a notice under this section, the marketing board or Commission, as the case may be, shall hold or shall afford to the person making the request an opportunity for a hearing.

Commence-
ment

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Milk Amendment Act, 1972 (No. 2)*.

An Act to amend
The Milk Act

1st Reading

December 5th, 1972

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

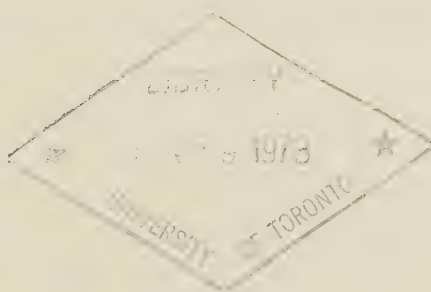
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BILL 245

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Milk Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



BILL 245

1972

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

8a. "Director" means the Director of The Milk Industry Branch of the Ministry of Agriculture and Food.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor:

17. "milk" means milk from cows or goats.

2.—(1) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

- (1) The duties and responsibilities of the Commission are,
- (a) to exercise such powers as are conferred upon it by or under this Act;
 - (b) to develop and formulate policies to stimulate and improve the marketing of milk and milk products;
 - (c) to select, develop and maintain research programs required for policy development and formulation;
 - (d) to inquire into the efficiency of such policies and the manner in which they are being implemented;
 - (e) to co-operate with the Canadian Dairy Commission or any other agency of Canada or of

any province of Canada respecting the producing, processing and marketing of milk and milk products;

(f) to provide and maintain liaison with organizations representing producers, processors or transporters in Ontario; and

(g) to conduct such studies as the Minister directs respecting the producing, processing and marketing of milk or milk products, and report thereon to the Minister.

s. 4 (2) (e),
amended

(2) Clause *e* of subsection 2 of the said section 4 is amended by inserting after "producing" in the first line "processing" and by inserting after "production" in the third line "processing".

s. 4 (3),
re-enacted

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Powers of
Commission

1971, c. 49

(3) The Commission, for the purposes of any inquiry, arbitration or investigation under subsection 2, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry, arbitration or investigation as if it were an inquiry under that Act.

s. 8 (1), par. 22,
amended

3.—(1) Paragraph 22 of subsection 1 of section 8 of the said Act is amended by inserting after "the" in the third line "Commission or to a".

s. 8 (1), par. 39,
repealed

(2) Paragraph 39 of subsection 1 of the said section 8 is repealed.

s. 12a,
enacted

4. The said Act is amended by adding thereto the following section:

Responsi-
bility of
Director

12a.—(1) The Director shall be responsible for the administration and enforcement of this Act and the regulations with respect to the quality of milk, milk products and fluid milk products within Ontario.

Powers and
duties of
Director

(2) The Director shall exercise such powers and perform such duties as are conferred or imposed upon him by or under this Act.

Appoint-
ments

(3) Such officers, field-men and other employees as are considered necessary for the exercise of the powers and the performance of the duties of the Director may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

- (4) Every officer, field-man or other employee of the Commission heretofore appointed under subsection 7 of section 3 or under *The Public Service Act* for the administration and enforcement of *The Milk Act* and the regulations with respect to the quality of milk, milk products or fluid milk products within Ontario who is carrying on his duties on the day *The Milk Amendment Act, 1972 (No. 2)* comes into force shall be deemed to have been appointed in accordance with subsection 3.
- Previous appointments deemed to be made under Act
R.S.O. 1970, c. 386

5.—(1) Subsection 1 of section 13 of the said Act is amended by striking out “Commission” in the second and third lines and inserting in lieu thereof “Director”.

s. 13 (1), amended

(2) Subsection 2 of the said section 13 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 13 (2), amended

(3) Subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3), amended

(4) Clause *a* of subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3) (a), amended

6.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (1), amended

(2) Subsection 2 of the said section 14 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (2), amended

7.—(1) Paragraph 5 of section 18 of the said Act is amended by inserting after “Commission” in the second line “or Director”.

s. 18, par. 5, amended

(2) Paragraph 59 of the said section 18 is amended by inserting after “Commission” in the second line and in the third line “or Director”.

s. 18, par. 59, amended

8. Section 20 of the said Act is amended by inserting after “Commission” in the third line “or the Director”.

s. 20, amended

9. Section 23 of the said Act is amended by inserting after “board” in the fourth line “or of any order or direction of the Director” and by inserting after “board” in the eighth line “or by the Director”.

s. 23, amended

s. 26 (1, 2, 4),
re-enacted

10.—(1) Subsections 1, 2 and 4 of section 26 of the said Act are repealed and the following substituted therefor:

Appeal to
Commission

(1) Where any person considers himself aggrieved by any order, direction or decision of the Director, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Idem

(2) Where any person considers himself aggrieved by any order, direction, decision or regulation of a marketing board, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

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Notice of
appeal

(4) Upon receipt of a notice under subsection 1 or 2, the Commission shall forthwith notify the Director or the marketing board, as the case may be, and the Director or the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents or other materials, of any kind whatsoever, in his or its possession.

s. 26 (5),
amended

(2) Subsection 5 of the said section 26 is amended by striking out "or the marketing board, as the case may be" in the first and second lines.

s. 26 (6, 8-10),
re-enacted

(3) Subsections 6, 8, 9 and 10 of the said section 26 are repealed and the following substituted therefor:

Appeal to
Commission

(6) The Commission shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission may, at the request of the person making the appeal, or of the Director or marketing board, adjourn the hearing from time to time for such period or periods of time as the Commission considers just.

.

Hearing of
appeal

(8) At any hearing of an appeal,

(a) under subsection 1, the Director, either by himself or through counsel; or

(b) under subsection 2, the marketing board, either by its officers, or any of them, or through counsel,

has the right to attend and make representations and to adduce evidence respecting the appeal.

- (9) Upon an appeal to the Commission under subsection 1 or 2, the Commission may, by order, direct the Director or the marketing board, as the case may be, to take such action as the Director or the marketing board is authorized to take under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director or the marketing board. Powers of Commission on appeal

- (10) The Commission shall, within ten days after the hearing is completed, serve notice upon the person making the appeal and upon the Director or the marketing board, as the case may be, of its decision. Notice of decision

(4) Clause *a* of subsection 12 of the said section 26 is repealed and the following substituted therefor: s. 26 (12) (a), re-enacted

- (a) where the notice is served on the Director, the Commission or a marketing board, by mailing the notice to the address of the Director, Commission or marketing board, as the case may be, at his or its usual business address; or

(5) Subsection 13 of the said section 26 is amended by striking out "or a marketing board" in the first line and by striking out "or marketing board" in the second line. s. 26 (13), amended

11. The said Act is further amended by adding thereto the following sections: ss. 26a, 26b, enacted

26a.—(1) Where any person considers himself aggrieved by any order, direction or decision of the Commission, the Director or a marketing board, he may, by application in writing therefor, request the Commission or, notwithstanding subsection 1 or 2 of section 26, the Director or marketing board, as the case may be, to reconsider such order, direction or decision. Application to Commission, etc., for reconsideration of order, etc.

- (2) On any application under subsection 1, the Commission, Director or marketing board, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party. No variation in any order, etc., without hearing

and may make such decision pursuant to such hearing as it or he considers proper under this Act and the regulations.

Application
to marketing
board for
reconsidera-
tion of
regulation

26b.—(1) Where any person is affected by any regulation of a marketing board, he may, notwithstanding subsection 2 of section 26, request the marketing board to reconsider the regulation by serving upon the marketing board written notice of the request.

Application
to Com-
mission for
reconsidera-
tion of
application

(2) Where any person is affected by any regulation of the Commission, he may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request.

Opportunity
to be heard

(3) On receipt of a notice under this section, the marketing board or Commission, as the case may be, shall hold or shall afford to the person making the request an opportunity for a hearing.

Commence-
ment

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Milk Amendment Act, 1972 (No. 2)*.

An Act to amend
The Milk Act

1st Reading

December 5th, 1972

2nd Reading

December 11th, 1972

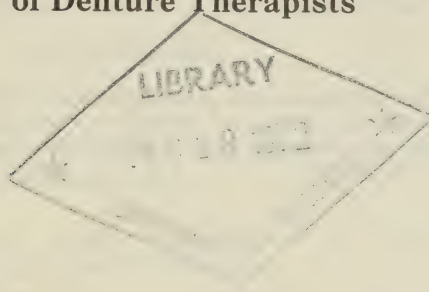
3rd Reading

December 14th, 1972

THE HON. W. A. STEWART
Minister of Agriculture and Food

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the Licensing and
Practice of Denture Therapists**



THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill creates a new profession of denture therapists for the taking of impressions for, fitting and making removable prosthetic dentures. This service is at present prohibited for anyone other than a dentist, as part of the practice of dentistry.

An Act to provide for the Licensing and Practice of Denture Therapists

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Denture Therapists Licensing Board established under section 7;
- (b) "dental surgeon" means a member of the Royal College of Dental Surgeons of Ontario;
- (c) "denture therapist" means a person licensed under this Act to engage in the practice of denture therapy;
- (d) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denture therapist is unfit to continue in the practice of denture therapy;
- (e) "Minister" means the Minister of Health;
- (f) "practice of denture therapy" means,
 - (i) the taking of impressions or bite registrations for the purpose of, or with a view to the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,
 - (ii) the fitting of any removable prosthetic denture,
 and includes the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing removable prosthetic dentures in respect of which a service is performed under subclause i or ii;

- (g) "professional misconduct" means professional misconduct as defined in the regulations;
- (h) "Registrar" means the Registrar of Denture Therapists appointed under section 3;
- (i) "regulations" means the regulations made under this Act.

Administra-
tion of Act

2. The Minister of Health is responsible for the administration of this Act.

Registrar
of Denture
Therapists

3. There shall be a Registrar of Denture Therapists who shall be appointed by the Lieutenant Governor in Council.

Practice
of denture
therapy

4.—(1) Subject to subsection 2, no person, other than a dental surgeon or a person licensed under this Act as a denture therapist, shall engage in or hold himself out as qualified or entitled to engage in the practice of denture therapy.

Contra-
vention of
R.S.O. 1970,
c. 108

(2) Any person who contravenes subsection 1 shall be deemed to be in contravention of section 21 of *The Dentistry Act*, subject to subsection 4 thereof.

Issuance of
licence

5.—(1) An applicant therefor is entitled to be issued a licence except where,

- (a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

Conditions
of licence

(2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Expiry

(3) A licence expires one year after its issue or renewal.

Refusal to
issue

6.—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension
or revocation
of licence

(2) Subject to section 8, the Registrar may suspend or revoke a licence,

- (a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;

- (b) where the licensee is in breach of a term or condition of his licence;
- (c) where the licensee is in contravention of this Act or the regulations or of *The Dentistry Act* or any regulation or by-law thereunder; or R.S.O. 1970,
c. 108
- (d) where the licensee has been guilty of professional misconduct or incompetence.

7.—(1) There shall be a board to be known as the Denture Therapists Licensing Board composed of seven members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. Denture
Therapists
Licensing
Board

(2) The Board shall be composed of three members representing the public interest and four members who shall be appointed from among, Composition
of Board

- (a) legally qualified medical practitioners;
- (b) dental surgeons;
- (c) denture therapists;
- (d) dental technicians registered under *The Dental Technicians Act*; R.S.O. 1970,
c. 107
- (e) dental hygienists under *The Dentistry Act*, R.S.O. 1970,
c. 108

but of such four members not more than two shall be appointed from any one category referred to in clauses *a, b, c, d* and *e*.

(3) Three members of the Board constitute a quorum, at least one of whom shall be a member appointed to represent the public interest. Quorum

(4) Such officers and employees as are considered necessary for the carrying out of the duties of the Board may be appointed under *The Public Service Act*. Staff
R.S.O. 1970,
c. 386

(5) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council. Remunera-
tion

(6) The Board shall, Duties of
Board

- (a) conduct the hearings and proceedings under section 8;

- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) set or approve examinations for the qualification of applicants for licences;
- (d) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of
proposal to
refuse or
revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension
of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 8 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of
notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

(2) Notwithstanding subsection 1, the Board may order ^{Idem} any other method of service in respect of any matter before the Board.

12. No action or other proceeding for damages shall be ^{Immunity from civil liability} instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No licensed denture therapist is liable to any action ^{Limitation for commencing actions} for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within two years from the date when, in the matter complained of, such professional services terminated.

14.—(1) No person shall use the title of or describe himself ^{Use of title "denturist"} as a "denturist" or by any title or description that contains the word "denturist".

(2) No person who is not licensed under this Act shall hold ^{Use of title "denture therapist"} himself out as being engaged in or qualified to engage in the practice of denture therapy or use or describe himself, or permit himself to be described as a denture therapist.

15.—(1) No denture therapist shall practice denture ^{Practice under supervision of dental surgeon} therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

(2) Every dental surgeon who uses the services of a denture ^{Duty of dental surgeon} therapist shall personally supervise the work of the denture therapist on a patient and shall inform himself of all aspects of the progress of the work.

(3) No licensed denture therapist shall perform any act in ^{Acts outside scope of practice} the practice of dentistry except within the scope of the practice of denture therapy performed in the manner required by this Act.

(4) No denture therapist shall be registered as a dental ^{Registration under R.S.O. 1970, c. 107} technician under *The Dental Technicians Act*.

16.—(1) Every person who,

^{Offences}

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Limitation (2) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (3) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence **17.** A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **18.** The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which denture therapists conduct their practice and business affairs;
- (b) defining professional misconduct and incompetence;
- (c) prescribing the manner in which denture therapists may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of licences to engage in the practice of denture therapy and

renewals thereof and prescribing terms and conditions of licences;

- (e) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof;
- (f) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board;
- (g) prescribing procedures that may be performed as incidental to the practice of denture therapy;
- (h) requiring licensed denture therapists to make returns and furnish information to the Registrar;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) prescribing further procedures respecting matters coming before the Board;
- (l) assigning additional duties to the Board.

19. The moneys required for the administration of this ^{Moneys} Act shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation.
^{ment}

21. This Act may be cited as *The Denture Therapists Act*, ^{Short title} 1972.

An Act to provide for the Licensing
and Practice of Denture Therapists

1st Reading

December 5th, 1972

2nd Reading

3rd Reading

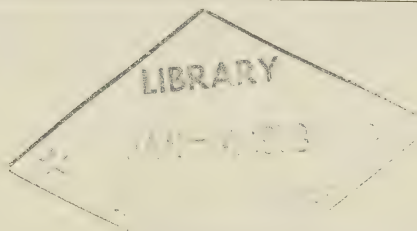
THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the Licensing and
Practice of Denture Therapists**

THE HON. R. T. POTTER
Minister of Health



(Reprinted as amended by the Social Development Committee)

EXPLANATORY NOTE

The Bill creates a new profession of denture therapists for the taking of impressions for, fitting and making removable prosthetic dentures. This service is at present prohibited for anyone other than a dentist, as part of the practice of dentistry.

An Act to provide for the Licensing and Practice of Denture Therapists

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Denture Therapists Licensing Board established under section 7;
- (b) "dental surgeon" means a member of the Royal College of Dental Surgeons of Ontario;
- (c) "denture therapist" means a person licensed under this Act to engage in the practice of denture therapy;
- (d) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denture therapist is unfit to continue in the practice of denture therapy;
- (e) "Minister" means the Minister of Health;
- (f) "practice of denture therapy" means,
 - (i) the taking of impressions or bite registrations for the purpose of, or with a view to the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,
 - (ii) the fitting of any removable prosthetic denture, and
 - (iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing removable prosthetic dentures in respect of which a service is performed under subclause i or ii;

(g) "professional misconduct" means professional misconduct as defined in the regulations;

(h) "Registrar" means the Registrar of Denture Therapists appointed under section 3;

(i) "regulations" means the regulations made under this Act.

Administra-
tion of Act

2. The Minister of Health is responsible for the administration of this Act.

Registrar
of Denture
Therapists

3. There shall be a Registrar of Denture Therapists who shall be appointed by the Lieutenant Governor in Council.

Practice
of denture
therapy

4.—(1) Subject to subsection 2, no person, other than a dental surgeon or a person licensed under this Act as a denture therapist, shall engage in or hold himself out as qualified or entitled to engage in the practice of denture therapy.

Contraven-
tion of
R.S.O. 1970,
c. 108

(2) Any person who contravenes subsection 1 shall be deemed to be in contravention of section 21 of *The Dentistry Act*, subject to subsection 4 thereof.

Issuance of
licence

5.—(1) An applicant therefor is entitled to be issued a licence by the Registrar except where,

(a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

Conditions
of licence

(2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Expiry

(3) A licence expires one year after its issue or renewal.

Refusal to
issue

6.—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension
or revocation
of licence

(2) Subject to section 8, the Registrar may suspend or revoke a licence,

(a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;

- (b) where the licensee is in breach of a term or condition of his licence;
- (c) where the licensee is in contravention of this Act or the regulations or of *The Dentistry Act* or any regulation or by-law thereunder; or R.S.O. 1970,
c. 108
- (d) where the licensee has been guilty of professional misconduct or incompetence.

7.—(1) There shall be a board to be known as the Denture Therapists Licensing Board composed of members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. Denture
Therapists
Licensing
Board

(2) The Board shall be composed of,

Composition
of Board

- (a) four members representing the public interest;
- (b) one dental surgeon;
- (c) two denture therapists who shall be appointed as soon as practicable after the coming into force of this Act;
- (d) one dental technician registered under *The Dental Technicians Act*; R.S.O. 1970,
c. 107
- (e) one dental hygienist under *The Dentistry Act*. R.S.O. 1970,
c. 108

(3) Five members of the Board constitute a quorum, at least one of whom shall be a member appointed to represent the public interest. Quorum

(4) Such officers and employees as are considered necessary for the carrying out of the duties of the Board may be appointed under *The Public Service Act*. Staff
R.S.O. 1970,
c. 386

(5) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council. Remuneration

(6) The Board shall,

Duties of
Board

- (a) conduct the hearings and proceedings under section 8;

- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) set or approve examinations for the qualification of applicants for licences;
- (d) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of
proposal to
refuse or
revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension
of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 8 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of
notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

(2) Notwithstanding subsection 1, the Board may order ^{Idem} any other method of service in respect of any matter before the Board.

12. No action or other proceeding for damages shall be ^{Immunity from civil liability} instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No licensed denture therapist is liable to any action ^{Limitation for commencing actions} for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within two years from the date when, in the matter complained of, such professional services terminated.

14. No person who is not licensed under this Act shall hold ^{Use of title "denture therapist"} himself out as being engaged in or qualified to engage in the practice of denture therapy or use or describe himself, or permit himself to be described as a denture therapist.

15.—(1) No denture therapist shall practise intra-oral ^{Practice under supervision of dental surgeon} procedures of denture therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

(2) Every dental surgeon who uses the services of a denture ^{Duty of dental surgeon} therapist shall personally supervise the work of the denture therapist on a patient and shall inform himself of all aspects of the progress of the work.

(3) No licensed denture therapist shall perform any act in ^{Acts outside scope of practice} the practice of dentistry except within the scope of the practice of denture therapy performed in the manner required by this Act.

16.—(1) Every person who,

Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Limitation (2) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (3) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence **17.** A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar;
or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **18.** The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which denture therapists conduct their practice and business affairs;
- (b) defining professional misconduct;
- (c) prescribing the manner in which denture therapists may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of licences to engage in the practice of denture therapy and

renewals thereof and prescribing terms and conditions of licences ;

- (e) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof ;
- (f) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board ;
- (g) prescribing procedures that may be performed as incidental to the practice of denture therapy ;
- (h) requiring licensed denture therapists to make returns and furnish information to the Registrar ;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit ;
- (j) prescribing forms for the purposes of this Act and providing for their use ;
- (k) prescribing further procedures respecting matters coming before the Board ;
- (l) assigning additional duties to the Board.
- (l) assigning additional duties to the Board ;
- (m) defining the term commercial dental laboratory and prohibiting a denture therapist from having any proprietary interest therein.

19. The moneys required for the administration of this Act shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

21. This Act may be cited as *The Denture Therapists Act*, Short title
1972.

An Act to provide for the Licensing
and Practice of Denture Therapists

1st Reading

December 5th, 1972

2nd Reading

December 7th, 1972

3rd Reading

THE HON. R. T. POTTER
Minister of Health

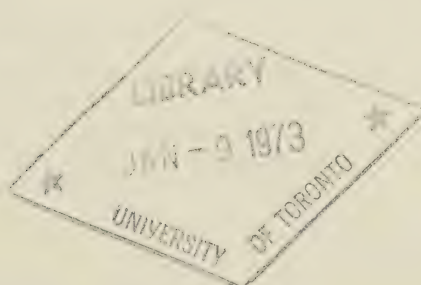
*(Reprinted as amended by
the Social Development Committee)*

BILL 246

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 h

**An Act to provide for the Licensing and
Practice of Denture Therapists**

THE HON. R. T. POTTER
Minister of Health



An Act to provide for the Licensing and Practice of Denture Therapists

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Denture Therapists Licensing Board established under section 7;
- (b) "dental surgeon" means a member of the Royal College of Dental Surgeons of Ontario;
- (c) "denture therapist" means a person licensed under this Act to engage in the practice of denture therapy;
- (d) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denture therapist is unfit to continue in the practice of denture therapy;
- (e) "Minister" means the Minister of Health;
- (f) "practice of denture therapy" means,
 - (i) the taking of impressions or bite registrations for the purpose of, or with a view to the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,
 - (ii) the fitting of any removable prosthetic denture, and
 - (iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing removable prosthetic dentures in respect of which a service is performed under subclause i or ii;

(g) "professional misconduct" means professional misconduct as defined in the regulations;

(h) "Registrar" means the Registrar of Denture Therapists appointed under section 3;

(i) "regulations" means the regulations made under this Act.

Administra-
tion of Act

2. The Minister of Health is responsible for the administration of this Act.

Registrar
of Denture
Therapists

3. There shall be a Registrar of Denture Therapists who shall be appointed by the Lieutenant Governor in Council.

Practice
of denture
therapy

4.—(1) Subject to subsection 2, no person, other than a dental surgeon or a person licensed under this Act as a denture therapist, shall engage in or hold himself out as qualified or entitled to engage in the practice of denture therapy.

Contraven-
tion of
R.S.O. 1970,
c. 108

(2) Any person who contravenes subsection 1 shall be deemed to be in contravention of section 21 of *The Dentistry Act*, subject to subsection 4 thereof.

Issuance of
licence

5.—(1) An applicant therefor is entitled to be issued a licence by the Registrar except where,

(a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;

(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

Conditions
of licence

(2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Expiry

(3) A licence expires one year after its issue or renewal.

Refusal to
issue

6.—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension
or revocation
of licence

(2) Subject to section 8, the Registrar may suspend or revoke a licence,

(a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;

- (b) where the licensee is in breach of a term or condition of his licence;
- (c) where the licensee is in contravention of this Act or the regulations or of *The Dentistry Act* or any regulation or by-law thereunder; or R.S.O. 1970, c. 108
- (d) where the licensee has been guilty of professional misconduct or incompetence.

7.—(1) There shall be a board to be known as the Denture Therapists Licensing Board composed of members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. Denture Therapists Licensing Board

(2) The Board shall be composed of, Composition of Board

- (a) four members representing the public interest;
- (b) one dental surgeon;
- (c) two denture therapists who shall be appointed as soon as practicable after the coming into force of this Act;
- (d) one dental technician registered under *The Dental Technicians Act*; R.S.O. 1970, c. 107
- (e) one dental hygienist under *The Dentistry Act*. R.S.O. 1970, c. 108

(3) Five members of the Board constitute a quorum, at least one of whom shall be a member appointed to represent the public interest. Quorum

(4) Such officers and employees as are considered necessary for the carrying out of the duties of the Board may be appointed under *The Public Service Act*. Staff R.S.O. 1970, c. 386

(5) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council. Remuneration

(6) The Board shall, Duties of Board

- (a) conduct the hearings and proceedings under section 8;

- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) set or approve examinations for the qualification of applicants for licences;
- (d) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of
proposal to
refuse or
revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension
of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 8 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of
notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

(2) Notwithstanding subsection 1, the Board may order ^{Idem} any other method of service in respect of any matter before the Board.

12. No action or other proceeding for damages shall be ^{Immunity from civil liability} instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No licensed denture therapist is liable to any action ^{Limitation for commencing actions} for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within two years from the date when, in the matter complained of, such professional services terminated.

14. No person who is not licensed under this Act shall hold ^{Use of title "denture therapist"} himself out as being engaged in or qualified to engage in the practice of denture therapy or use or describe himself, or permit himself to be described as a denture therapist.

15.—(1) No denture therapist shall practise intra-oral ^{Practice under supervision of dental surgeon} procedures of denture therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

(2) Every dental surgeon who uses the services of a denture ^{Duty of dental surgeon} therapist shall personally supervise the work of the denture therapist on a patient and shall inform himself of all aspects of the progress of the work.

(3) No licensed denture therapist shall perform any act in ^{Acts outside scope of practice} the practice of dentistry except within the scope of the practice of denture therapy performed in the manner required by this Act.

16.—(1) Every person who,

Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Limitation (2) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (3) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence **17.** A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar;
or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **18.** The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which denture therapists conduct their practice and business affairs;
- (b) defining professional misconduct;
- (c) prescribing the manner in which denture therapists may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of licences to engage in the practice of denture therapy and

renewals thereof and prescribing terms and conditions of licences;

- (e) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof;
- (f) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board;
- (g) prescribing procedures that may be performed as incidental to the practice of denture therapy;
- (h) requiring licensed denture therapists to make returns and furnish information to the Registrar;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) prescribing further procedures respecting matters coming before the Board;
- (l) assigning additional duties to the Board;
- (m) defining the term commercial dental laboratory and prohibiting a denture therapist from having any proprietary interest therein.

19. The moneys required for the administration of this ^{Moneys} Act shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation ^{ment}.

21. This Act may be cited as *The Denture Therapists Act*, ^{Short title} 1972.

An Act to provide for the Licensing
and Practice of Denture Therapists

1st Reading

December 5th, 1972

2nd Reading

December 7th, 1972

3rd Reading

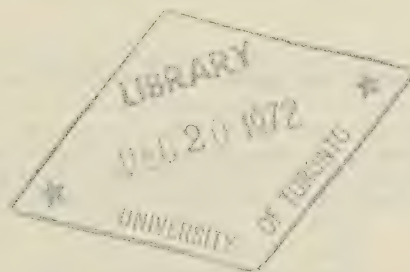
December 15th, 1972

THE HON. R. T. POTTER
Minister of Health

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendment ensures the continuance of entitlement under the Ontario Municipal Employees Retirement System supplementary plan to employees of the Waterloo Public Utilities Commission who are engaged by the Regional Corporation or other area municipalities in the Regional amalgamation process.

SECTION 2. The amendment extends to the Region the authority contained in paragraph 129 of subsection 1 of section 354 of *The Municipal Act* in order that the Regional Corporation can control everything that goes into every sewer that ultimately empties into a regional sewer, either directly or indirectly. Otherwise, while the Region can control what it will accept into regional sewers it cannot control what goes into area sewers and the surcharge stays local rather than becoming Regional.

SECTION 3. The inclusion of the reference to section 246 of *The Municipal Act* makes clear that any power to licence any trade, business or occupation given to the Regional Corporation includes the power to prohibit the carrying on of such business.

BILL 247

1972

An Act to amend The Regional Municipality of Waterloo Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Regional Municipality of Waterloo Act*, 1972, being chapter 105 of the Statutes of Ontario, 1972, is amended by adding thereto the following subsection:

- (9a) Where the Regional Corporation or an area municipality employs a person heretofore employed by the Waterloo Public Utilities Commission, such person shall be deemed to remain an employee of the Waterloo Public Utilities Commission for the purpose of entitlement under the Ontario Municipal Employees Retirement System supplementary plan as established for the Waterloo Public Utilities Commission.

s. 27,
amended
Entitlement
under
O.M.E.R.S.

2. Section 56 of the said Act is amended by adding thereto the following subsection:

- (2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

Idem
R.S.O. 1970,
c. 284

3. Subsection 1 of section 158 of the said Act is amended by inserting after "sections" in the first and second lines "246", so that the subsection shall read as follows:

s. 158 (1),
amended

- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

s. 159a,
enacted

4. The said Act is amended by adding thereto the following section:

Application
of R.S.O. 1970,
c. 284,
ss. 377, 378,
to area
municipality

159a.—(1) Notwithstanding section 184, the provisions of paragraphs 1 and 6 of section 377 and section 378 of *The Municipal Act* do not apply to any area municipality.

By-laws by
Regional
Council

(2) The Regional Council may pass by-laws applicable to one or more area municipalities:

teamsters,
cab owners
and drivers,
etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

insurance
for
teamsters,
cab owners,
etc.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any licence issued under paragraph 1.

taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are

SECTION 4. The amendment authorizes the Regional Corporation to licence teamsters, cab owners and drivers, and salvage shops.

used for hire and that are owned by persons other than himself, his immediate family or his employer.

4. For licensing, regulating and governing salvage ^{salvage shops, etc.} shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along high-ways for the purpose of collecting, purchasing or obtaining second-hand goods,

(ii) "salvage yard" includes an automobile wrecking yard or premises,

(iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage

(b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account as the agent or servant of another person, to take out a licence.

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.

(d) The fee to be paid for the licence shall not exceed \$20 for one year.

(e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

s. 169 (5),
amended

5. Subsection 5 of section 169 of the said Act is amended by striking out "system" in the first line and inserting in lieu thereof "service".

s. 175 (1),
re-enacted

6. Subsection 1 of section 175 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

(1) In this Part, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council.

s. 178,
amended

7. Section 178 of the said Act is amended by adding thereto the following subsection:

Board of
trustees of
Police Village
of St. Jacobs
to be
Hydro-
Electric Com-
mission
R.S.O. 1970,
c. 390

(8) The board of trustees of the Police Village of St. Jacobs as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Police Village of St. Jacobs Hydro-Electric System to be known as the Hydro-Electric Commission of the Police Village of St. Jacobs, which shall be deemed to be a local board of the area municipality of the Township of Woolwich and all rights and obligations relating to the former system of the Police Village of St. Jacobs become rights and obligations of the Hydro-Electric Commission of the Police Village of St. Jacobs.

Interpre-
tation

8. The Regional Municipality of Waterloo shall be deemed to be the County of Waterloo and the Chairman of The Regional Municipality of Waterloo shall be deemed to be the warden of the County of Waterloo for the purposes of *The Kitchener-Waterloo Hospital Act, 1960*.

1960,
c. 149

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1972*.

SECTION 5. The amendment ensures that the terminology being used is consistent with current library terminology.

SECTION 6. The purpose of this amendment is to broaden the definition to allow the Regional Corporation to accept at the waste disposal sites the wastes presently being accepted by the individual municipalities.

SECTION 7. The purpose of this amendment is to ensure continuance of a Hydro-Electric Commission for the Township of Woolwich pending the development of an overall and comprehensive policy re Hydro-Electric Commissions and will parallel the provisions of subsections 6 and 7 of section 178 of the Act.

SECTION 8. The purpose of this amendment is to prevent a hiatus occurring in the appointment of members of The Kitchener-Waterloo Hospital Board. The County of Waterloo had certain appointment powers but because the county will cease to exist on December 31, 1972, it is important that the authority to make appointments be transferred to The Regional Municipality of Waterloo.

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

December 6th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

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-B 56

BILL 247

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 **H**

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 247

1972

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105 of the Statutes of Ontario, 1972, is amended by adding thereto the following subsection:

s. 27,
amended

(9a) Where the Regional Corporation or an area municipality employs a person heretofore employed by the Waterloo Public Utilities Commission, such person shall be deemed to remain an employee of the Waterloo Public Utilities Commission for the purpose of entitlement under the Ontario Municipal Employees Retirement System supplementary plan as established for the Waterloo Public Utilities Commission.

Entitlement
under
O.M.E.R.S.

2. Section 56 of the said Act is amended by adding thereto the following subsection:

s. 56,
amended

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

Idem

R.S.O. 1970,
c. 284

3. Subsection 1 of section 158 of the said Act is amended by inserting after "sections" in the first and second lines "246", so that the subsection shall read as follows:

s. 158 (1),
amended

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

s. 159a,
enacted

4. The said Act is amended by adding thereto the following section:

Application
of R.S.O. 1970,
c. 284,
ss. 377, 378,
to area
municipality

159a.—(1) Notwithstanding section 184, the provisions of paragraphs 1 and 6 of section 377 and section 378 of *The Municipal Act* do not apply to any area municipality.

By-laws by
Regional
Council

(2) The Regional Council may pass by-laws applicable to one or more area municipalities:

teamsters,
cab owners
and drivers,
etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

insurance
for
teamsters,
cab owners,
etc.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any licence issued under paragraph 1.

taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are

used for hire and that are owned by persons other than himself, his immediate family or his employer.

4. For licensing, regulating and governing salvage ^{salvage shops, etc.} shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

- (i) "dealers in second-hand goods" includes persons who go from house to house or along high-ways for the purpose of collecting, purchasing or obtaining second-hand goods,
 - (ii) "salvage yard" includes an automobile wrecking yard or premises,
 - (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

s. 169 (5),
amended

5. Subsection 5 of section 169 of the said Act is amended by striking out "system" in the first line and inserting in lieu thereof "service".

s. 175 (1),
re-enacted

6. Subsection 1 of section 175 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

- (1) In this Part, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council.

s. 178,
amended

7. Section 178 of the said Act is amended by adding thereto the following subsection:

Board of
trustees of
Police Village
of St. Jacobs
to be
Hydro-
Electric Com-
mission
R.S.O. 1970,
c. 390

- (8) The board of trustees of the Police Village of St. Jacobs as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Police Village of St. Jacobs Hydro-Electric System to be known as the Hydro-Electric Commission of the Police Village of St. Jacobs, which shall be deemed to be a local board of the area municipality of the Township of Woolwich and all rights and obligations relating to the former system of the Police Village of St. Jacobs become rights and obligations of the Hydro-Electric Commission of the Police Village of St. Jacobs.

Interpre-
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8. The Regional Municipality of Waterloo shall be deemed to be the County of Waterloo and the Chairman of The Regional Municipality of Waterloo shall be deemed to be the warden of the County of Waterloo for the purposes of *The Kitchener-Waterloo Hospital Act, 1960*.

1960,
c. 149

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1972*.

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

December 6th, 1972

2nd Reading

December 8th, 1972

3rd Reading

December 14th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 248**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The repealed section provides that where a municipality incurs expenditures in respect of indigent hospitalization, it is eligible for a grant from the Province to cover a portion of the expenditure. Under *The Public Hospitals Amendment Act, 1972*, responsibility for payments concerning the hospitalization of indigents by municipalities is removed and, therefore, section 8 is no longer necessary.

BILL 248

1972

**An Act to amend
The Municipal Unconditional Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Municipal Unconditional Grants Act*, ^{s. 8,} _{repealed} being chapter 293 of the Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal ^{Commence-} _{ment} Assent.
3. This Act may be cited as *The Municipal Unconditional* ^{Short title} *Grants Amendment Act, 1972* (No. 2).

BILL 248

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

December 6th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Municipal Unconditional Grants Act**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 248

1972

**An Act to amend
The Municipal Unconditional Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 8 of *The Municipal Unconditional Grants Act*, ^{s. 8,} repealed being chapter 293 of the Revised Statutes of Ontario, 1970, is repealed.
- 2.** This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
- 3.** This Act may be cited as *The Municipal Unconditional* ^{Short title} *Grants Amendment Act, 1972 (No. 2)*.

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

December 6th, 1972

2nd Reading

December 8th, 1972

3rd Reading

December 14th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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Government
Public

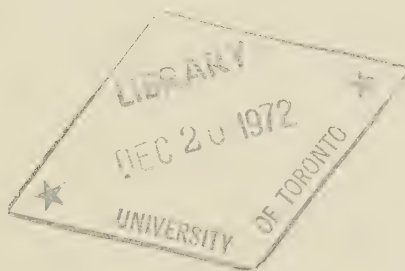
BILL 249

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Parks Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The provision repealed disqualifies a member of a parks board who has a pecuniary interest in a contract with the board. This matter will be dealt with by disclosure under the new *Municipal Conflict of Interest Act, 1972*.

BILL 249

1972

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Public Parks Act*, ^{s. 7 (2),} being chapter 384 of the Revised Statutes of Ontario, 1970, ^{repealed} is repealed.
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Public Parks Amendment Act*, ^{Short title} 1972.

BILL 249

An Act to amend
The Public Parks Act

1st Reading

December 6th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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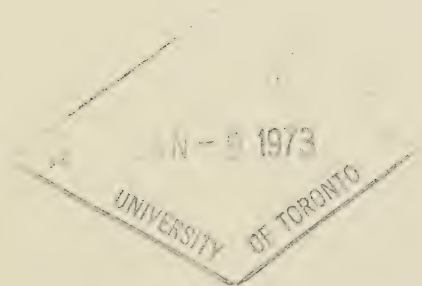
BILL 249

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Parks Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 249

1972

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 7 of *The Public Parks Act*, s. 7 (2),
being chapter 384 of the Revised Statutes of Ontario, 1970,^{repealed}
is repealed.
- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.<sup>Commence-
ment</sup>
- 3.** This Act may be cited as *The Public Parks Amendment Act*,^{Short title}
1972.

An Act to amend
The Public Parks Act

1st Reading

December 6th, 1972

2nd Reading

December 8th, 1972

3rd Reading

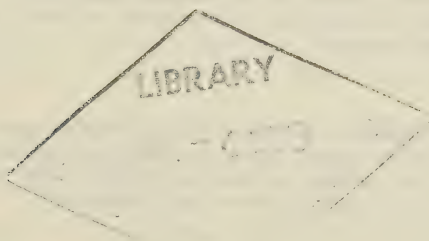
December 14th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO LC
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendment provides that subject to the approval by the Minister, the Province will pay for the 1972 election of members to the Sudbury Board of Education and the Sudbury District Roman Catholic Separate School Board. Prior to the amendment the Province was only required to pay for the election of members within the area municipalities in the 1972 year.

SECTION 2. The amendment ensures that there is no disruption in descriptions of property situate in the Regional Municipality or change in offices for purposes of registration of documents in either the Registry Office or Land Titles Office.

SECTION 3. Paragraph 9 of section 352 of *The Municipal Act* enables by-laws to be passed by councils for the purpose of establishing, operating, maintaining, etc., air harbours or landing grounds in the municipality. This authority now will be given to the Regional Corporation.

SECTION 4. The amendments make clear that the Regional Municipality will have jurisdiction over matters of sanitary sewage, while the area municipality has jurisdiction over land drainage.

BILL 250

1972

An Act to amend The Regional Municipality of Sudbury Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104 of the Statutes of Ontario, 1972, is repealed and the following substituted therefor:

- (6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 and the expenses for the elections to elect members of The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board in the year 1972 shall, if approved by the Minister, be paid out of the Consolidated Revenue Fund.

2. Section 6 of the said Act is amended by adding thereto the following subsection:

- (4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

3. Subsection 1 of section 27 of the said Act is amended by inserting after "paragraphs" in the third line "9", so that the subsection shall read as follows:

- (1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

4.—(1) Subsection 1 of section 31 of the said Act is amended by inserting after "of" in the third line, the fifth line and the seventh line "sanitary".

s. 31 (2),
amended

(2) Subsection 2 of the said section 31 is amended by inserting after "of" in the third line "sanitary".

s. 31 (3, 7),
re-enacted

(3) Subsections 3 and 7 of the said section 31 are repealed and the following substituted therefor:

Vesting of
property in
Regional
Corporation

(3) All sanitary sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sanitary sewage and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sanitary sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

.

Imposition
of sewage
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sanitary sewage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

s. 33,
amended

5. Section 33 of the said Act is amended by adding thereto the following subsections:

Proviso

(3a) Nothing in subsection 3 affects any official plan in effect in any part of the Regional Area.

By-laws
R.S.O. 1970,
c. 349

(3b) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council.

s. 46 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 46 of the said Act is repealed and the following substituted therefor:

(b) a judge of a court having jurisdiction in the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council.

SECTION 5. These provisions are inserted to ensure that present planning provisions continue in force in the Regional Area until the Regional Council has introduced its own planning program..

SECTION 6. The amendment broadens the range of selection possibilities for appointments to the board of commissioners of police.

SECTION 7. The amendment broadens the definition of waste in order to allow the Regional Corporation to accept at the waste disposal sites the wastes presently being accepted by individual municipalities.

7. Subsection 1 of section 77 of the said Act is repealed ^{s. 77 (1),} and the following substituted therefor: ^{re-enacted}

- (1) In this Part, "waste" includes ashes, garbage, refuse, ^{Interpre-} domestic waste, industrial solid waste or municipal ^{tation} refuse and such other wastes as may be designated by by-laws passed by the Regional Council.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

9. This Act may be cited as *The Regional Municipality* ^{Short title} of Sudbury Amendment Act, 1972.

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

December 7th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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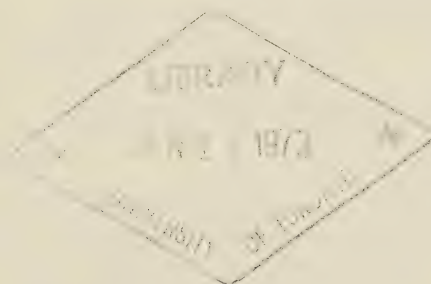
Government
Publications

BILL 250

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 250

1972

An Act to amend The Regional Municipality of Sudbury Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104 of the Statutes of Ontario, 1972, is repealed and the following substituted therefor:

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 and the expenses for the elections to elect members of The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board in the year 1972 shall, if approved by the Minister, be paid out of the Consolidated Revenue Fund.

2. Section 6 of the said Act is amended by adding thereto the following subsection:

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

3. Subsection 1 of section 27 of the said Act is amended by inserting after "paragraphs" in the third line "9", so that the subsection shall read as follows:

(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

4.—(1) Subsection 1 of section 31 of the said Act is amended by inserting after "of" in the third line, the fifth line and the seventh line "sanitary".

s. 31 (2),
amended

(2) Subsection 2 of the said section 31 is amended by inserting after "of" in the third line "sanitary".

s. 31 (3, 7),
re-enacted

(3) Subsections 3 and 7 of the said section 31 are repealed and the following substituted therefor:

Vesting of
property in
Regional
Corporation

(3) All sanitary sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sanitary sewage and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sanitary sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

.

Imposition
of sewage
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sanitary sewage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

s. 33,
amended

5. Section 33 of the said Act is amended by adding thereto the following subsections:

Proviso

(3a) Nothing in subsection 3 affects any official plan in effect in any part of the Regional Area.

By-laws
R.S.O. 1970,
c. 349

(3b) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council.

s. 46 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 46 of the said Act is repealed and the following substituted therefor:

(b) a judge of a court having jurisdiction in the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council.

7. Subsection 1 of section 77 of the said Act is repealed ^{s. 77 (1).} ^{re-enacted} and the following substituted therefor:

- (1) In this Part, "waste" includes ashes, garbage, refuse, ^{Interpre-} domestic waste, industrial solid waste or municipal ^{tation} refuse and such other wastes as may be designated by by-laws passed by the Regional Council.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

9. This Act may be cited as *The Regional Municipality* ^{Short title} *of Sudbury Amendment Act, 1972.*

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

December 7th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 251

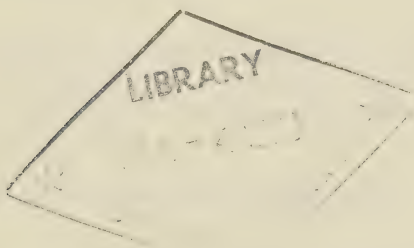
Government Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO legis.
21 ELIZABETH II, 1972

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1, 2, 3 AND 4. These sections of the Bill are complementary to *The Municipal Elections Act, 1972*.

BILL 251

1972

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) In every area municipality, election of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter in accordance with *The Municipal Elections Act, 1972*, c. 95.

- (2) Subsections 2 and 3 of the said section 4 are repealed.

- (3) Subsection 4 of the said section 4 is repealed and the following substituted therefor:

- (4) The members of council and of such local boards shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

- (4) Subsection 6 of the said section 4 is repealed.

2.—(1) Subsection 5 of section 5 of the said Act is amended by striking out “two following years” in the fifth line and inserting in lieu thereof “year following”.

- (2) Subsection 7 of the said section 5 is repealed and the following substituted therefor:

- Adjournment (7) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the year following and until his successor is elected or appointed in accordance with this section.
- s. 118 (4), amended 3. Subsection 4 of section 118 of the said Act is amended by striking out "three-year" in the second line and inserting in lieu thereof "two-year".
- s. 149 (5), re-enacted 4. Subsection 5 of section 149 of the said Act is repealed and the following substituted therefor:
- Effective date (5) Every such by-law, including an amending or repealing by-law, shall take effect at and for the purposes of the biennial election next after its passing.
- s. 183a, enacted 5. The said Act is amended by adding thereto the following section:
- Indemnifying members of Metropolitan Police Force 1971, c. 49 183a.—(1) The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by a member of the Metropolitan Police Force in respect of an inquiry held by a commission under *The Public Inquiries Act, 1971* or held by a commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, where the subject-matter of the inquiry includes in whole or in part the conduct of the member in the performance or purported performance of his duties.
- Application of section (2) This section does not apply in respect of inquiries held into matters occurring before the 25th day of October, 1971.
- Commencement 6.—(1) This Act, except sections 1 to 4, comes into force on the day it receives Royal Assent.
- Idem (2) Sections 1 to 4 shall be deemed to have come into force on the 31st day of July, 1972.
- Short title 7. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972* (No. 3).

SECTION 5. The section added authorizes the Metropolitan Council to pay, to such extent as it thinks fit, legal costs incurred by police officers in respect of inquiries held under *The Public Inquiries Act, 1971* or, subject to the limitation set out in subsection 2 of the new section, held under the predecessor of that Act.

BILL 231

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

December 7th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

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BILL 251

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 251

1972

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) In every area municipality, election of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter in accordance with *The Municipal Elections Act, 1972*. s. 4 (1),
re-enacted
Election
of council
1972, c. 95

- (2) Subsections 2 and 3 of the said section 4 are repealed. s. 4 (2, 3),
repealed

- (3) Subsection 4 of the said section 4 is repealed and the following substituted therefor: s. 4 (4),
re-enacted

- (4) The members of council and of such local boards shall hold office for a two-year term and until their successors are elected and the new council or board is organized. Term of
office

- (4) Subsection 6 of the said section 4 is repealed. s. 4 (6),
repealed

2.—(1) Subsection 5 of section 5 of the said Act is amended by striking out “two following years” in the fifth line and inserting in lieu thereof “year following”. s. 5 (5),
amended

- (2) Subsection 7 of the said section 5 is repealed and the following substituted therefor: s. 5 (7),
re-enacted

Adjournment

- (7) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the year following and until his successor is elected or appointed in accordance with this section.

s. 118 (4),
amended

- 3.** Subsection 4 of section 118 of the said Act is amended by striking out "three-year" in the second line and inserting in lieu thereof "two-year".

s. 149 (5),
re-enacted

- 4.** Subsection 5 of section 149 of the said Act is repealed and the following substituted therefor:

Effective
date

- (5) Every such by-law, including an amending or repealing by-law, shall take effect at and for the purposes of the biennial election next after its passing.

s. 183a,
enacted

- 5.** The said Act is amended by adding thereto the following section:

Indemnifying
members of
Metropolitan
Police Force
1971, c. 49

- 183a.**—(1) The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by a member of the Metropolitan Police Force in respect of an inquiry held by a commission under *The Public Inquiries Act, 1971* or held by a commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, where the subject-matter of the inquiry includes in whole or in part the conduct of the member in the performance or purported performance of his duties.

Application
of section

- (2) This section does not apply in respect of inquiries held into matters occurring before the 25th day of October, 1971.

Commence-
ment

- 6.**—(1) This Act, except sections 1 to 4, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 to 4 shall be deemed to have come into force on the 31st day of July, 1972.

Short title

- 7.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972 (No. 3)*.

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

December 7th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 252

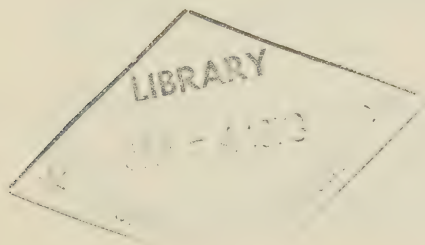
Government Bill

Government Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO Leg.
21 ELIZABETH II, 1972

An Act to amend The Municipal Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill in the main is complementary to *The Municipal Conflicts of Interest Act, 1972*.

SECTION 1. Section 36 of *The Municipal Act*, dealing with disqualification, is re-enacted and from it are deleted references to persons having contracts with or claims against the municipality; such persons will be eligible to sit on municipal councils but will be subject to the disclosure provisions embodied in *The Municipal Conflicts of Interest Act, 1972*. Employees of the municipality or of its local boards, with the exception of employees of a school board, are disqualified from being elected to or holding office as a member of the municipal council; such employees may, however, obtain leave of absence for the purpose of contesting an election and if successful will be required to resign. In the case of metropolitan, regional and district municipalities, the disqualification of municipal employees is extended to provide that an employee of the metropolitan, regional or district municipality or of any area municipality is ineligible for election to the council of any area municipality within the metropolitan, regional or district area as well as to the council of the metropolitan, regional or district municipality itself.

BILL 252

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 121, section 10, is repealed and the following substituted therefor:

36.—(1) The following are not eligible to be elected a member of a council or to hold office as a member of a council:

s. 36,
re-enacted

Persons
disqualified
from being
members of
council

1. Except during a leave of absence granted under subsection 3, an employee of the municipality or of a local board thereof as defined in *The Municipal Affairs Act*, except an employee of a school board. R.S.O. 1970,
c. 118
2. A judge of any court.
3. A member of the Assembly as provided in *The Legislative Assembly Act* or of the Senate or House of Commons of Canada. R.S.O. 1970,
c. 240
4. A Crown employee within the meaning of *The Public Service Act* who is a deputy minister or who is in a position or classification designated in the regulations made under that Act for the purposes of section 11 thereof. R.S.O. 1970,
c. 386
5. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario.

- (2) In addition to the persons that are not eligible to be elected a member of a council or to hold office as

Idem

a member of a council under paragraph 1 of subsection 1, and except during a leave of absence granted under subsection 3, an employee of a metropolitan, regional or district municipality or of any area municipality within that metropolitan, regional or district municipality is not eligible to be elected a member of the council of any area municipality within that metropolitan, regional or district municipality or to be elected a member of the council of that metropolitan, regional or district municipality or to hold office as a member of any such council.

Leave of
absence

- (3) Any employee of a municipality or a local board who proposes to be a candidate to hold office as a member of a council shall apply to the council of the municipality or to the local board, as the case may be, of which he is an employee for leave of absence without pay for a period,

1972, c. 95

- (a) not longer than that commencing thirty days before the beginning of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

- (b) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

- (4) Where an employee of a municipality or of a local board who is a candidate for office as a member of a council is elected he shall forthwith resign his position as such employee.

Service
deemed
continuous

- (5) Where an employee of a municipality or of a local board has been granted leave of absence under subsection 3 and was not elected, the period of leave of absence shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

Application
of R.S.O. 1970,
c. 284, s. 36

2. Where any person is elected to a council at a regular election held in the year 1972, and section 36 of *The Municipal Act* as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, then section 36 of *The Municipal Act*, as re-enacted by section 1 of this Act, does not

SECTION 2. The section permits persons validly elected to a council in the 1972 elections to remain in office for their two-year term notwithstanding that the application of the new section 36 would render them ineligible to hold such office, provided the defect in their qualifications existed at the time of the election and did not first arise subsequent thereto.

SECTION 3. The section repealed makes voidable contracts between the municipality and a member of its council; such contracts will now be permissible provided there has been compliance with the disclosure and abstention from voting provisions of *The Municipal Conflicts of Interest Act, 1972*.

SECTION 4. The section amended fixes the time of the first meeting of a newly-elected council; the amendment reflects the provisions of *The Municipal Elections Act, 1972* establishing a uniform two-year term for all municipal councils.

SECTION 5. The provisions of the section repealed requiring council and local board members to disclose an interest they may have in any matter coming before the council or local board for consideration are now found in *The Municipal Conflicts of Interest Act, 1972*.

SECTION 6. Complementary to section 5 of the Bill.

apply so as to render such person ineligible to hold office as a member of such council during the term of office for which he was elected by reason only of the fact that had section 36, as re-enacted, been in force on the day of his election such person would have been ineligible to be elected a member of the council or to hold office as a member of such council.

3. Section 37 of the said Act is repealed.

s. 37,
repealed

4. Subsection 1 of section 184 of the said Act is amended by striking out "an annual or biennial election, as the case may be" in the second line and inserting in lieu thereof "a regular election".

s. 184 (1),
amended

5. Section 199 of the said Act is repealed.

s. 199,
repealed

6. Section 200 of the said Act is amended by striking out "Sections 198 and 199 do" in the first line and inserting in lieu thereof "Section 198 does".

s. 200,
amended

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

8. This Act may be cited as *The Municipal Amendment Act, 1972 (No. 3)*.

Short title

An Act to amend
The Municipal Act

1st Reading

December 7th, 1972

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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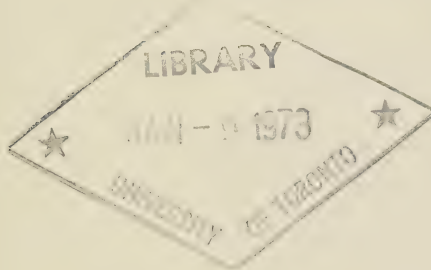
BILL 252

Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO L
21 ELIZABETH II, 1972 "1

An Act to amend The Municipal Act

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 121, section 10, is repealed and the following substituted therefor:

36.—(1) The following are not eligible to be elected a member of a council or to hold office as a member of a council:

s. 36,
re-enacted
Persons
disqualified
from being
members of
council

1. Except during a leave of absence granted under subsection 3, an employee of the municipality or of a local board thereof as defined in *The Municipal Affairs Act*, except an employee of a school board. R.S.O. 1970,
c. 118
2. A judge of any court.
3. A member of the Assembly as provided in *The Legislative Assembly Act* or of the Senate or House of Commons of Canada. R.S.O. 1970,
c. 240
4. A Crown employee within the meaning of *The Public Service Act* who is a deputy minister or who is in a position or classification designated in the regulations made under that Act for the purposes of section 11 thereof. R.S.O. 1970,
c. 386
5. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario.

- (2) In addition to the persons that are not eligible to be elected a member of a council or to hold office as

Idem

a member of a council under paragraph 1 of subsection 1, and except during a leave of absence granted under subsection 3, an employee of a metropolitan, regional or district municipality or of any area municipality within that metropolitan, regional or district municipality is not eligible to be elected a member of the council of any area municipality within that metropolitan, regional or district municipality or to be elected a member of the council of that metropolitan, regional or district municipality or to hold office as a member of any such council.

Leave of
absence

- (3) Any employee of a municipality or a local board who proposes to be a candidate to hold office as a member of a council shall apply to the council of the municipality or to the local board, as the case may be, of which he is an employee for leave of absence without pay for a period,

1972, c. 95

- (a) not longer than that commencing thirty days before the beginning of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

- (b) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

- (4) Where an employee of a municipality or of a local board who is a candidate for office as a member of a council is elected he shall forthwith resign his position as such employee.

Service
deemed
continuous

- (5) Where an employee of a municipality or of a local board has been granted leave of absence under subsection 3 and was not elected, the period of leave of absence shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

Application
of R.S.O. 1970,
c. 284, s. 36

2. Where any person is elected to a council at a regular election held in the year 1972, and section 36 of *The Municipal Act* as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, then section 36 of *The Municipal Act*, as re-enacted by section 1 of this Act, does not

apply so as to render such person ineligible to hold office as a member of such council during the term of office for which he was elected by reason only of the fact that had section 36, as re-enacted, been in force on the day of his election such person would have been ineligible to be elected a member of the council or to hold office as a member of such council.

3. Section 37 of the said Act is repealed.

s. 37,
repealed

4. Subsection 1 of section 184 of the said Act is amended by striking out "an annual or biennial election, as the case may be" in the second line and inserting in lieu thereof "a regular election".

s. 184 (1),
amended

5. Section 199 of the said Act is repealed.

s. 199,
repealed

6. Section 200 of the said Act is amended by striking out "Sections 198 and 199 do" in the first line and inserting in lieu thereof "Section 198 does".

s. 200,
amended

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

8. This Act may be cited as *The Municipal Amendment Act, 1972 (No. 3)*.

Short title

An Act to amend
The Municipal Act

1st Reading

December 7th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

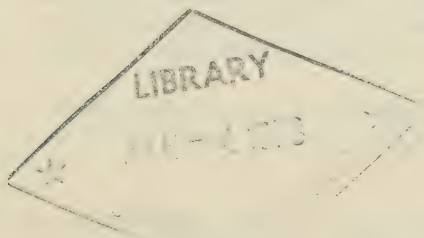
BILL 253**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Legislative Assembly

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

Changes in the assessment rolls and polling lists by reason of recent amendments to *The Assessment Act* and the enactment of *The Municipal Elections Act, 1972* have given rise to doubts as to the validity of jury lists prepared from them for the sittings of the courts in 1973.

Delays have occurred in the preparation of jury lists and jury lists prepared in a number of counties do not contain full information on the occupation of persons listed therein or, if they do, the information was obtained from sources other than those prescribed. Also, information on occupations of persons drafted in a jury panel may not be available at the time the panel is drafted. The purpose of subsections 1 and 2 of section 98 is to validate the procedure followed which has otherwise conformed substantially to *The Jurors Act*.

Subsection 3 preserves and extends the substance of provisions presently contained in *The Jurors Act* in their application to 1973 which will permit unforeseen difficulties in the drafting of panels to be met by reference to the jury list and jury rolls for the year 1972 and if necessary prior years.

BILL 253

1972

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 98, enacted}

98.—(1) Every list of local selectors and every jurors roll and jury list for the selection of jurors for the year 1973 is valid notwithstanding, ^{Confirmation of jurors rolls, etc.}

- (a) that it is or was prepared without regard to the ages or occupations of persons listed thereon;
 - (b) that the occupations of any persons listed thereon are not shown thereon;
 - (c) that the occupations that are shown are obtained from sources other than the polling lists or assessment rolls or are added by the county selectors or the sheriff; or
 - (d) that the times for the preparation, depositing and filing thereof have not been complied with.
- (2) Notwithstanding that a panel of jurors drafted from a jury list prepared for the year 1973 does not show the occupations of all persons whose names appear thereon, the panel is valid and the sheriff shall, as soon as practicable, insert the occupations not shown based on information obtained from any source that he considers reliable or otherwise inform the litigants or accused persons or their solicitors of such occupations. ^{Where occupation not shown on panel}

Use of 1972
jury lists
for panels
for 1973

(3) For the purpose of returning a panel of jurors for sittings of the courts in the year 1973,

(a) the sheriff may return a panel of jurors drafted from the names in the proper jury list in the jurors book for the year 1972; and

(b) where there is not a sufficient number of names upon the proper jury list for the year 1972, the sheriff shall select so many additional persons who are qualified to serve as jurors in the year 1973 as are required from the names not marked as transferred to a jury list in any of the jurors rolls for the year 1972 or in any of the jurors rolls in the jurors book in any preceding year for which there is a jurors book or a certified copy thereof in existence.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1972* (No. 2).

An Act to amend
The Jurors Act

1st Reading

December 7th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 98, enacted}

98.—(1) Every list of local selectors and every jurors ^{Confirmation of jurors rolls, etc.} roll and jury list for the selection of jurors for the year 1973 is valid notwithstanding,

- (a) that it is or was prepared without regard to the ages or occupations of persons listed thereon;
- (b) that the occupations of any persons listed thereon are not shown thereon;
- (c) that the occupations that are shown are obtained from sources other than the polling lists or assessment rolls or are added by the county selectors or the sheriff; or
- (d) that the times for the preparation, depositing and filing thereof have not been complied with.

(2) Notwithstanding that a panel of jurors drafted from a jury list prepared for the year 1973 does not show the occupations of all persons whose names appear thereon, the panel is valid and the sheriff shall, as soon as practicable, insert the occupations not shown based on information obtained from any source that he considers reliable or otherwise inform the litigants or accused persons or their solicitors of such occupations. ^{Where occupation not shown on panel}

Use of 1972
jury lists
for panels
for 1973

(3) For the purpose of returning a panel of jurors for sittings of the courts in the year 1973,

(a) the sheriff may return a panel of jurors drafted from the names in the proper jury list in the jurors book for the year 1972; and

(b) where there is not a sufficient number of names upon the proper jury list for the year 1972, the sheriff shall select so many additional persons who are qualified to serve as jurors in the year 1973 as are required from the names not marked as transferred to a jury list in any of the jurors rolls for the year 1972 or in any of the jurors rolls in the jurors book in any preceding year for which there is a jurors book or a certified copy thereof in existence.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1972 (No. 2)*.

An Act to amend
The Jurors Act

1st Reading

December 7th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. D. A. BALES
Attorney General

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-B 56

BILL 254

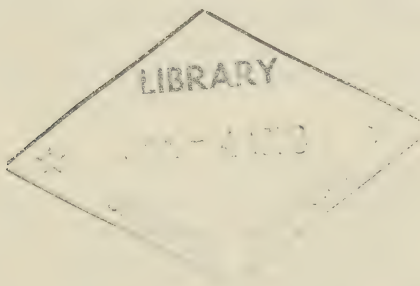
Private Member's Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting
Contracts for the Retail Sale of Automobiles**

MR. HANDLEMAN



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to enable a retail purchaser of a new automobile to have the automobile replaced with another automobile by the seller if the buyer is not satisfied with its condition or operation in the first two days after its delivery to him or if the seller is unable to correct a defect during the first six months after delivery to the buyer.

BILL 254

1972

An Act respecting Contracts for the Retail Sale of Automobiles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Every contract for the retail sale of a new auto-^{Implied provisions}mobile shall be deemed to include the following provisions:

1. The buyer of the automobile, if not satisfied with the condition or operation of the automobile, may return it to the seller within the two-day period, exclusive of Saturday and Sunday, immediately following first delivery of the automobile to the buyer, and the seller, within a reasonable time thereafter, shall deliver and the buyer shall accept delivery of another automobile that meets the description of the automobile in the contract.
2. Where the buyer is of the opinion that a defect in the automobile that affects its operation continues to exist after the seller has made three attempts to correct or remove the defect, the buyer may return the automobile to the seller,
 - i. within the three-month period immediately following first delivery of the automobile to the buyer, upon payment to the seller of an amount in dollars equal to the number of miles the automobile has travelled multiplied by 0.05, or
 - ii. within the three-month period immediately following the period set out in subparagraph i, upon payment to the seller of an amount in dollars equal to the number of miles the automobile has travelled multiplied by 0.06,

and the seller, within a reasonable time thereafter, shall deliver and the buyer shall accept delivery of another automobile that meets the description of the automobile in the contract.

Idem (2) Where the buyer returns the automobile pursuant to the provisions of subsection 1, such provisions apply with respect to the automobile delivered to the buyer by the seller in place of the returned automobile.

**Commence-
ment** **2.** This Act comes into force on the day it receives Royal Assent.

Short title **3.** This Act may be cited as *The Automobile Warranties Act, 1972*.

An Act respecting
Contracts for the Retail
Sale of Automobiles

1st Reading

December 7th, 1972

2nd Reading

3rd Reading

MR. HANDLEMAN

(Private Member's Bill)

CAZON

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Government
Publications

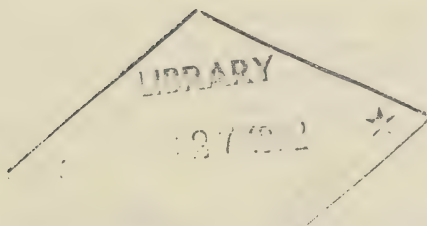
BILL 255

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for Fair Practices
in the Sale of Motor Vehicle Fuel**

MR. DEACON



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to prevent the retailer of motor vehicle fuel from misleading the consumer as to the price and origin of the motor vehicle fuel sold by him, and to ensure that the cost of promotions and giveaways shall not be a burden on the retailer.

BILL 255

1972

An Act to provide for Fair Practices in the Sale of Motor Vehicle Fuel

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “motor vehicle fuel” means any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, except when any such product is mixed or combined with motor vehicle fuel. ^{Interpretation}

2. Every retail dealer in motor vehicle fuel shall display and Signs maintain in a conspicuous place on each pump or other equipment for dispensing motor vehicle fuel and on all above ground containers, tanks or equipment for storing motor vehicle fuel, a conspicuous sign stating,

- (a) the price per gallon of the motor vehicle fuel, including tax; and
- (b) the refinery origin of the motor vehicle fuel.

3. No retailer of motor vehicle fuel shall permit delivery Prohibition of motor vehicle fuel into any container, tank or equipment, other than motor vehicle fuel originating at the refinery stated on the sign appearing on such container, tank, equipment or on dispensing equipment attached to such container, tank or equipment.

4. No retailer shall for the purpose of promoting the sale Idem of motor vehicle fuel offer or provide directly or indirectly any service or any article other than motor vehicle fuel at less than cost or at a discount or rebate on the prevailing price of any service or any article other than motor vehicle fuel, where such service or article is normally sold by another retailer within his trading area.

Retailer to
receive
promotional
items

5. A retailer shall receive from the oil company, or other supplier which advertises its brand name products to the public, at no cost to the retailer, any articles, tickets, chances, gifts, bonuses, premiums or other promotional items or services the retailer may require to enable the retailer to play his part as advertised in any brand or product promotion.

Contracts

6. A provision of a contract entered into before or after this Act comes into force which is contrary to the provisions of this Act is void.

Regulations

7. The Lieutenant Governor in Council may make regulations prescribing the size, type and method of attachment of signs.

Offence

8. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Motor Vehicle Fuel Fair Practices Act, 1972*.

An Act to provide for
Fair Practices in the Sale
of Motor Vehicle Fuel

1st Reading

December 8th, 1972

2nd Reading

3rd Reading

MR. DEACON

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972//

**An Act to provide for the limited inclusion of
Grapes grown outside Ontario in Ontario Wine**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to permit, for a limited period, the sale of wine produced by Ontario wineries containing limited amounts of grapes imported from outside Ontario.

BILL 256

1972

An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Lieutenant Governor in Council, the Liquor Control Board may make regulations, Regulations for use of non-Ontario grapes
R.S.O. 1970, cc. 249, 250

- (a) fixing for each winery licensed under *The Liquor Control Act* a quota of grapes, or the equivalent thereof in concentrates, grown out of Ontario, that may be used by the winery in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction by the Board;
- (c) prescribing the proportions in which grapes, or the concentrates thereof, grown out of Ontario, may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) No winery shall use grapes or the concentrates thereof authorized by the quota fixed under clause *a* of subsection 1 in the manufacture of wine commenced after the 1st day of September, 1973. Time limit for use in manufacture

2.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Liquor Control Board, any winery licensed under *The Liquor Control Act*, may, Sale of wine

R.S.O. 1970,
c. 249

- (a) keep for sale and sell to the Liquor Control Board;
- (b) deliver, on the order of the Liquor Control Board or of a manager of a Government store as defined in *The Liquor Control Act*, to any person named in the order at the address therein stated; and
- (c) keep for sale and sell under the supervision and control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes, or the concentrates thereof grown out of Ontario.

Offence

(2) Any contravention of subsection 1 shall be deemed to be a contravention of section 60 of *The Liquor Control Act*.

Application
of R.S.O. 1970,
cc. 249, 250

3. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act* and *The Liquor Licence Act* and the regulations thereunder except as specifically provided herein.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Wine Content Act, 1972*.

An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the limited inclusion of
Grapes grown outside Ontario in Ontario Wine**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)



EXPLANATORY NOTE

The purpose of the Bill is to permit, for a limited period, the sale of wine produced by Ontario wineries containing limited amounts of grapes imported from outside Ontario.

BILL 256

1972

An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Lieutenant Governor in Council, the Liquor Control Board may make regulations, ^{Regulations for use of non-Ontario grapes} ^{R.S.O. 1970, cc. 249, 250}

- (a) fixing for each winery licensed under *The Liquor Control Act* a quota of grapes, or the equivalent thereof in concentrates, grown out of Ontario, that may be used by the winery in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction by the Board;
- (c) prescribing the proportions in which grapes, or the concentrates thereof, grown out of Ontario, may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A winery shall not, after the 1st day of September, 1973, introduce into the manufacture of wine any part of the quota of grapes or concentrates thereof fixed under clause *a* of subsection 1. ^{Time limit use in manufacture}

2.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Liquor Control Board, any winery licensed under *The Liquor Control Act*, may, ^{Sale of wine}

R.S.O. 1970,
c. 249

- (a) keep for sale and sell to the Liquor Control Board ;
- (b) deliver, on the order of the Liquor Control Board or of a manager of a Government store as defined in *The Liquor Control Act*, to any person named in the order at the address therein stated ; and
- (c) keep for sale and sell under the supervision and control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes, or the concentrates thereof grown out of Ontario.

Offence

(2) Any contravention of subsection 1 shall be deemed to be a contravention of section 60 of *The Liquor Control Act*.

Application
of R.S.O. 1970,
cc. 249, 250

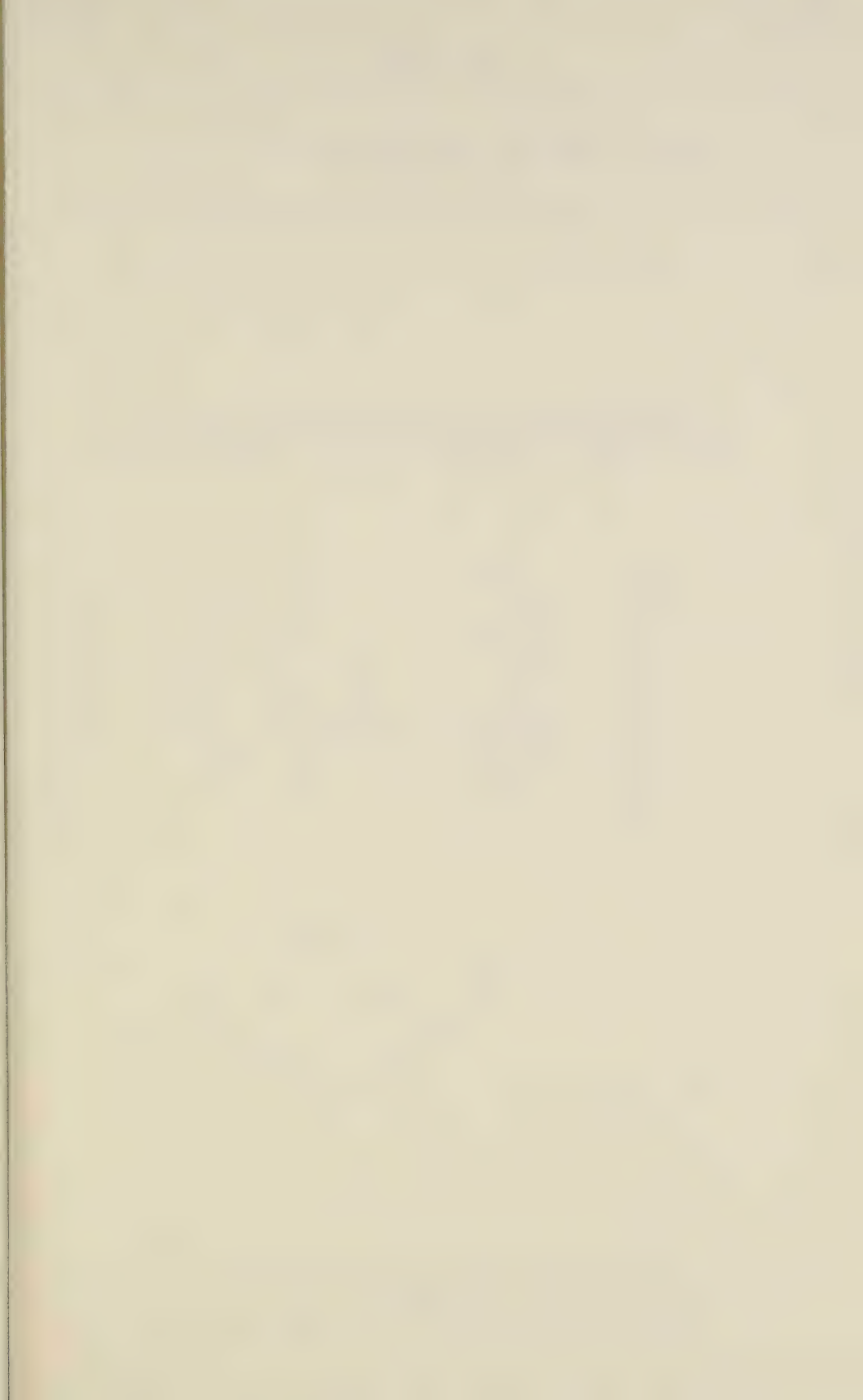
3. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act* and *The Liquor Licence Act* and the regulations thereunder except as specifically provided herein.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Wine Content Act, 1972*.



An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine

1st Reading

December 12th, 1972

2nd Reading

December 14th, 1972

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

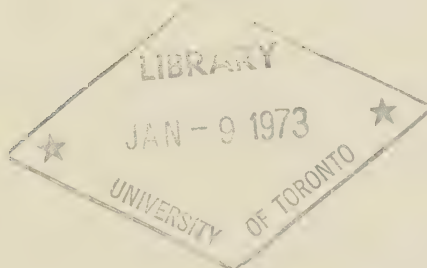
(Reprinted as amended by the
Committee of the Whole House)

BILL 256

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the limited inclusion of
Grapes grown outside Ontario in Ontario Wine**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 256

1972

An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Lieutenant Governor in Council, the Liquor Control Board may make regulations, Regulations for use of non-Ontario grapes
R.S.O. 1970, cc. 249, 250

- (a) fixing for each winery licensed under *The Liquor Control Act* a quota of grapes, or the equivalent thereof in concentrates, grown out of Ontario, that may be used by the winery in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction by the Board;
- (c) prescribing the proportions in which grapes, or the concentrates thereof, grown out of Ontario, may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A winery shall not, after the 1st day of September, 1973, introduce into the manufacture of wine any part of the quota of grapes or concentrates thereof fixed under clause *a* of subsection 1. Time limit use in manufacture

2.—(1) Notwithstanding any provisions of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Liquor Control Board, any winery licensed under *The Liquor Control Act*, may, Sale of wine

R.S.O. 1970,
c. 249

- (a) keep for sale and sell to the Liquor Control Board;
- (b) deliver, on the order of the Liquor Control Board or of a manager of a Government store as defined in *The Liquor Control Act*, to any person named in the order at the address therein stated; and
- (c) keep for sale and sell under the supervision and control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes, or the concentrates thereof grown out of Ontario.

Offence

(2) Any contravention of subsection 1 shall be deemed to be a contravention of section 60 of *The Liquor Control Act*.

Application
of R.S.O. 1970,
cc. 249, 250

3. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act* and *The Liquor Licence Act* and the regulations thereunder except as specifically provided herein.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Wine Content Act, 1972*.

An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine

1st Reading

December 12th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972 ///

An Act to amend The Public Libraries Act

THE HON. J. McNIE
Minister of Colleges and Universities



EXPLANATORY NOTES

SECTION 1. Regulations affecting public libraries are no longer made under *The Ministry of Education Act* and reference thereto is deleted from the definition of "regulations" for the purposes of the Act.

SECTION 2. Section 10 which disqualifies a member of a library board who has a pecuniary interest in a contract with the board or a pecuniary claim against the board is repealed. This matter will be dealt with by disclosure under the new *Municipal Conflict of Interest Act, 1972*.

BILL 257

1972

An Act to amend The Public Libraries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Libraries Act*, being ^{s. 1 (e),} chapter 381 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 17, is further amended by striking out "or *The Ministry of Education Act*" in the second line and in the amendment of 1972.

2. Section 10 of the said Act is repealed.

s. 10,
repealed

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

4. This Act may be cited as *The Public Libraries Amendment Act*, 1972.

Short title

An Act to amend
The Public Libraries Act

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

THE HON. J. MCNIE
Minister of Colleges and Universities

(Government Bill)

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BILL 258

Government Bill

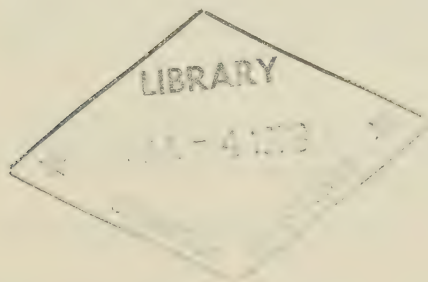
Government

Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO Leg
21 ELIZABETH II, 1972

The Co-operative Corporations Act, 1972

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide a self-contained, comprehensive and exclusive code of the corporate law applicable to co-operatives. This Bill deals with the incorporation, operation, management and dissolution of co-operatives both with and without share capital in the light of recommendations made by the 1971 Report on Co-operatives by the Select Committee on Company Law.

Among the major provisions of the Bill are the following:

1. Provision is made for the appointment of a Director of Co-Operative Services responsible for administering the legislation affecting co-operatives. (Section 2).
2. Procedure for the incorporation of a co-operative is substantially the same as that under *The Business Corporations Act*. Incorporation of a co-operative is made a matter of right. (Sections 4, 5 and 6).
3. The use of the word "co-operative" or its abbreviation by a partnership, organization, society or association is prohibited. (Section 7(3)).
4. The present legislation requiring by-laws of a co-operative to be filed with the provincial authority is eliminated. Co-operatives will continue to file their financial statements in an office of public record. (Section 141).
5. A co-operative may be required to furnish information to the Director of Co-operative Services upon his request. (Section 142.)
6. A co-operative is required to conduct a minimum of 50 per cent of its business with its members, calculated on a three year running average. The Minister may, after a hearing, order the conversion of a co-operative into a business corporation if the co-operative fails to transact the minimum amount of member business. (Section 144).
7. The Minister is empowered on his own initiative, and required upon the request of 10 per cent of the members, to investigate the affairs of a co-operative. If it is determined that the affairs of the co-operative are not being conducted in accordance with the Act, the Minister is empowered to commence proceedings for the winding up of the co-operative, to cancel its certificate of incorporation or to refer the report of the inspection to the Attorney General. (Section 148).
8. Admission to membership in a co-operative is made a matter for action by the board of directors. The Act contains no statement or provision on the matter of open membership. (Section 61(2)).
9. The transfer of membership is required to be approved by the board of directors. (Sections 40 and 62).
10. Provision is made for the withdrawal by a member from the co-operative. The member may elect to leave all or part of his investment in the co-operative or may require the co-operative to repay his investment. The co-operative is required to repay that investment, except term loans, within six months. In certain circumstances this period may be extended. (Section 64).

11. A co-operative may expel a member by resolution of the board of directors where that member is given notice of a hearing, the grounds upon which it is sought to expel him and the right to appear at that meeting. A person expelled is given the right to appeal to the membership of the co-operative at the next annual or general meeting. An expelled member's investment must be repaid by the co-operative within one year of expulsion. (Section 66).
12. No change is made in the principle of one member, one vote. Voting by proxy continues to be prohibited. No change is made in respect of delegate voting. (Sections 76 and 24).
13. No limit is imposed on the size of a member's investment in the co-operative.
14. Persons of the age of sixteen years may be admitted as members of the co-operative and for purposes of contracts with the co-operative, become *sui juris*. (Section 63).
15. The minimum number of members of a co-operative is set at five. (Sections 5(1) and 145).
16. Provisions drawn from *The Business Corporations Act* dealing with representative actions on behalf of the co-operative, requisitions of by-laws or resolutions, circulation of members' resolutions, requisition for members' meeting and requisition of members' meeting by court order are introduced. (Sections 66, 70, 71, 79 and 80).
17. Dividends payable by a co-operative with share capital are limited to 8 per cent. The interest rate payable on loans by a co-operative without share capital is fixed at 8 per cent. This same limit applies to the interest rate on compulsory loans of patronage returns. (Sections 54, 58(2), 49(1) and 56(4)).
18. The interest rate payable on loans, not representing loans made as a condition of membership or compulsory investment, is not limited. (Section 49(2)).
19. The role of the board of directors is defined as to manage or supervise the affairs of the co-operative. The minimum number of directors is fixed at five. A majority of these must be resident Canadians as defined. (Sections 96(1), 85(2) and 85(3)).
20. Co-operatives which are now in existence are given a period of two years during which to bring the number of their directors to five. (Section 88(2)).
21. A director must be a member of the co-operative at the time of his election and throughout his term of office. The co-operative may enact a by-law to require directors to conduct a minimum annual volume of business with the co-operative. (Sections 87 and 21 (d)).
22. Cumulative voting for directors is not permitted. (Section 91).
23. The standard of care, diligence and skill imposed on directors and officers of a co-operative is the same as that imposed upon directors and officers of a business corporation by section 144 of *The Business Corporations Act*. (Section 108).
24. The disclosure of interest in contracts by directors of a co-operative is of the same as that required of directors of a business corporation.

A director of a co-operative is not required to disclose his interest in a contract that is of a type available to all members of the co-operative. (Section 98).

25. Insiders of a co-operative are not required to file insider trading reports. However, insiders are liable to compensate any person for any direct loss suffered by such a person as a result of an insider transaction. (Section 111).
26. A director is subject to removal before the expiry of his term by resolution passed by a majority of the members at a general meeting. (Section 104).
27. Subject to a solvency test, a co-operative may repurchase its issued shares. The shares may be cancelled by the board of directors at the time of purchase or held for resale. (Section 32).
28. Provisions substantially the same as those of *The Business Corporations Act* dealing with the appointment of auditors and the annual audit are introduced. Persons related or associated with the auditor of a co-operative may not be appointed as receiver or trustee in bankruptcy for the co-operative. (Sections 124 and 126).
29. Directors are empowered but not required to elect an audit committee. If an audit committee is not elected, the auditor is entitled to receive notice of and to attend meetings of directors at which the financial statements are to be approved and upon the request of the auditor the co-operative shall convene a meeting of directors to consider any matters the auditor wishes to bring to their attention. (Sections 138 and 139(2)).
30. Unless a co-operative has fifteen or fewer members, capital not exceeding \$15,000, assets not exceeding \$50,000 or sales not exceeding \$100,000 and unless all members consent in writing, the co-operative must have its financial statements audited. (Section 123).
31. The financial disclosure requirements applicable to co-operatives with and without share capital are parallel. The reporting requirements are as much as possible the same as for a business corporation. Certain amendments to the present financial disclosure requirements are made for patronage returns and member loans. The financial statements must contain a note referring to the percentage of non-member business transacted during the year. (Sections 127 to 137).
32. Before a co-operative may issue any securities, it must file and obtain a receipt for an offering statement. This offering statement must provide full, true and plain disclosure of all material facts relating to the securities proposed to be issued. Notice is required to be given of any material change. This offering statement is open to inspection by the public at the office of the Ministry and must be made available at the head office of the co-operative during normal business hours. The material to be disclosed by this offering statement will be set out in regulations. (Sections 34 to 38).
33. Where the co-operative is authorized to do so by resolution of the board of directors and where it is necessary to enable the co-operative to improve its services to its members, the co-operative may acquire and hold securities in any other corporation having objects in whole or in part similar to those of the co-operative. (Section 15(2) par. 5).

34. While no special provision is made for direct charge co-operatives, they are exempted from the general provisions relating to distribution of net surplus. (Sections 1(1) par. 10 and 55(1)).
35. Where a co-operative by operation of a compulsory marketing plan is prevented from allocating patronage returns to members, provision is made to deem deliveries made by members to the marketing board to have been made to the co-operative. Where a marketing plan otherwise operates to deprive a co-operative of its ability to deal directly with its members, the Minister may upon application by the co-operative convert it to a business corporation. (Sections 55(5) and 143).
36. A co-operative, where empowered by by-law, may make percentage deductions according to volume from amounts due to members from the marketing of their produce through the co-operative, and retain this money as compulsory loans to the co-operatives upon such terms as the by-law provides. The maximum rate of interest on these compulsory loans is set at 8 per cent. (Section 57).
37. The minimum par value of co-operative shares is reduced from \$5.00 to \$1.00. (Section 25(2)).
38. Co-operative loan and share certificates must set out the co-operative name and the words "a co-operative incorporated under the law of the Province of Ontario". The words "Transfer of these shares is restricted" must be noted conspicuously on the certificate. (Section 46).
39. Co-operatives may dissolve by filing articles of dissolution. The sections of *The Business Corporations Act* dealing with winding up are made applicable to the winding up of co-operatives. (Sections 161 to 165).
40. Non-conforming provisions in the letters patent and by-laws of co-operatives now in existence continue to be valid for 3 years after the coming into force of this Bill. (Section 187).

BILL 258

1972

The Co-operative Corporations Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

1. “articles of incorporation” or “articles” means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a co-operative is incorporated, and includes any amendments thereto;
2. “authorized capital” means the authorized capital as determined under section 25;
3. “certificate of incorporation” includes letters patent, a special Act or any other instrument by which a co-operative is incorporated;
4. “certified copy” means,
 - i. in relation to a document of a co-operative, a copy of the document certified to be a true copy under the seal of the co-operative and signed by an officer thereof,
 - ii. in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
 - iii. in relation to a document in the custody of the Ministry, a copy of the document certified to be a true copy under the seal of the

Minister and signed by the Minister or by such officer of the Ministry as is designated by the regulations;

5. "co-operative" means a corporation carrying on an enterprise on a co-operative basis and to which this Act applies, and includes an association of co-operatives;
6. "co-operative basis" means organized, operated and administered upon the following principles and methods,
 - i. each member or delegate has only one vote,
 - ii. no member or delegate may vote by proxy,
 - iii. interest on loan capital and dividends on share capital are limited to a percentage fixed by this Act or the articles of incorporation, and
 - iv. the enterprise of the corporation is operated as nearly as possible at cost after providing for reasonable reserves and the payment or crediting of interest on loan capital or dividends on share capital; and any surplus funds arising from the business of the organization, after providing for such reasonable reserves and interest or dividends, unless used to maintain or improve services of the organization for its members or donated for community welfare or the propagation of co-operative principles, are distributed in whole or in part among the members in proportion to the volume of business they have done with or through the organization;
7. "corporation" means a corporation with or without share capital whether or not it is a co-operative to which this Act applies;
8. "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
9. "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;

10. "direct charge co-operative" means a co-operative that deals with its members and prospective members only in products or services on a cost basis and that directly charges its members a fee to cover the operating expenses of the co-operative;
11. "financial statement" means a financial statement referred to in section 128;
12. "issued capital" means the issued capital as determined under section 29;
13. "member" means a person who is a member of a co-operative pursuant to the provisions of this Act or the articles and by-laws of the co-operative governing membership;
14. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
15. "Ministry" means the Ministry of the Minister;
16. "officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager, or any other person designated an officer by by-law or by resolution of the directors or any other individual who performs functions for the co-operative similar to those normally performed by an individual occupying any such office;
17. "personal representative", where used with reference to the holding of shares or loans or the exercise of a member's rights in that capacity, means in the capacity of an executor, administrator, guardian, tutor, trustee, receiver or liquidator of the member, shareholder or lender or the committee of or curator to the member, shareholder or lender who is a mentally incompetent person;
18. "prescribed" means prescribed by the regulations;
19. "regulations" means the regulations made under this Act;
20. "related person", where used to indicate a relationship with any person, means,

- i. any spouse, son or daughter of that person, or
 - ii. any relative of such person or of his spouse, other than a relative referred to in subparagraph i, who has the same home as such person;
21. "resident Canadian" means a Canadian citizen who is ordinarily resident in Canada;
22. "security" means any share of any class of shares or any debt obligation of a corporation;
23. "senior officer" means,
- i. the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a co-operative or any other individual who performs functions for the co-operative similar to those normally performed by an individual occupying any such office, and
 - ii. each of the five highest paid employees of a co-operative, including any individual referred to in subparagraph i;
24. "special resolution" means a resolution that is not effective until it is,
- i. passed by the directors of a co-operative, and
 - ii. confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the members of the co-operative duly called for that purpose, or such greater proportion of the votes cast as the articles provide.

Interpre-
tation:
subsidiary

(2) For the purposes of this Act, a corporation shall be deemed to be a subsidiary of a co-operative if, but only if, it is controlled by that co-operative.

Holding
co-operative

(3) For the purposes of this Act, a co-operative shall be deemed to be a corporation's holding co-operative if, but only if, that corporation is its subsidiary.

Control

(4) For the purposes of this Act, a subsidiary shall be deemed to be controlled by one or more other corporations if, but only if,

- (a) shares of the subsidiary carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such one or more other corporations; and
 - (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the subsidiary.
- (5) For the purposes of this Act, a co-operative is insolvent^{Insolvency} if its liabilities exceed the realizable value of its assets or if the co-operative is unable to pay its debts as they become due.
- (6) In determining the number of members of a co-operative,^{Number of members} for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one member.
2. The Minister may delegate in writing any of his duties<sup>Adminis-
tration</sup> or powers under this Act to any public servant in the Ministry.
3. This Act, except where it is otherwise expressly pro-^{Application}vided, applies,
- (a) to every corporation incorporated as a co-operative by or under a general or special Act of the Parliament of the former Province of Upper Canada;
 - (b) to every corporation incorporated as a co-operative by or under a general or special Act of the Parliament of the former Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
 - (c) to every corporation incorporated as a co-operative by or under a general or special Act of the Legislature,

but this Act does not apply to a corporation to which *The R.S.O. 1970, c. 96*
Credit Unions Act applies.

INCORPORATION

- 4.—(1) A co-operative may be incorporated under this<sup>Incorpora-
tion</sup> Act for any lawful objects to which the authority of the Legislature extends, except those of a corporation the incorporation of which is provided for in any other Act.
- (2) Where the practice of a profession is governed by an^{Professions} Act, a co-operative may be incorporated to practise the profession only if such Act expressly permits the practice of the profession by a co-operative and subject to the provisions of such Act.

Articles of
incorporation

5.—(1) Five or more persons, being corporations or natural persons who are of the age of eighteen years or more, may incorporate a co-operative with or without share capital by signing and delivering to the Minister in duplicate articles of incorporation.

Contents of
articles

(2) Subject to subsection 3, articles of incorporation shall set out the following particulars:

1. The name of the co-operative to be incorporated.
2. The objects for which the co-operative is to be incorporated.
3. The place in Ontario where the head office of the co-operative is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any.
4. The number of directors of the co-operative and the names in full and the residence addresses, giving the street and number, if any, of each person who is to be a first director of the co-operative.
5. The name in full, and the residence address, giving the street and number, if any, of each of the incorporators.

Idem

(3) In addition to the particulars required to be set out in subsection 2, articles of incorporation shall state,

- (a) where there is to be share capital,
 - (i) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class and the par value of each share,
 - (ii) where there are to be preference shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them,
 - (iii) the restrictions to be placed on the transfer of its shares or any class thereof, and
 - (iv) the class and number of shares to be taken by each incorporator and the amount to be paid therefor;

- (b) where there is to be no share capital,
 - (i) the amount of the membership fee,
 - (ii) the authorized loan capital,
 - (iii) the restrictions to be placed on the transfer of member loans,
 - (iv) the classes of membership, if any, setting forth the designation of and the terms and conditions attaching to each class of membership, and
 - (v) the amount of a minimum member loan, if any,

and any other matter required by this Act or the regulations to be set out in the articles.

(4) The articles may set out any provision that is authorized ^{Idem} by this Act to be set out in the articles or that could be the subject of a by-law of the co-operative.

(5) Where the articles name as a first director a person ^{Consent of first director} who is not an incorporator, the articles shall have attached thereto his written and signed consent to act as a first director.

(6) The signature of each incorporator and of each first ^{Affidavits} director and the fact that each incorporator who is a natural person and each first director is of the age of eighteen years or more shall be verified by affidavit.

6.—(1) If the articles conform to law and the approval of ^{Certificate of incorporation} any person or body required by statute to approve the incorporation has been given, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the incorporators or their agent a certificate of incorporation to which he shall affix the other duplicate.

Idem (2) A co-operative comes into existence upon the date set forth in its certificate of incorporation.

Idem (3) A certificate of incorporation is conclusive proof that all conditions precedent required to be performed by the incorporators have been complied with and that the co-operative has been incorporated under this Act, except in a proceeding under section 166 to cancel the certificate for cause.

NAME

Use of co-operative 7.—(1) The corporate name of a co-operative shall include the word "co-operative" as part thereof.

Idem (2) Where a co-operative or any director, officer, employee or member uses the name of the co-operative, the word "co-operative" may be abbreviated to "co-op".

Idem (3) No corporation, association, partnership or individual not being a co-operative to which this Act applies shall use in Ontario a name that includes the word "co-operative" or any abbreviation or derivation thereof whether or not the word, abbreviation or derivation is used in or in connection with the name.

Idem (4) Subsection 3 does not apply to a corporation incorporated by or under the authority of the Parliament of Canada, to a corporation granted an extra-provincial licence, to a corporation incorporated under the laws of Ontario before the 12th day of April, 1917, or to a corporation to which *The Credit Unions Act* applies.

R.S.O. 1970,
c. 96

Use of "Limited", "Incorporated", "Corporation" (5) The name of a co-operative shall have the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." as the last word thereof.

Use of name 8. Notwithstanding section 7, a co-operative may use its name in such form and in such language as the articles provide and as the Minister approves.

Co-operative name

9.—(1) The name of a co-operative shall not,

- (a) be the same as or similar to the name of a known corporation, association, partnership or individual whether in existence or not if its use would be likely to deceive, except where the corporation, association, partnership or individual signifies its or his consent in writing to the use of the name in whole or in part, and, if required by the Minister,

- (i) in the case of a corporation, undertakes to dissolve or change its name to a dissimilar name within six months after the filing of the articles or amendment by which the name is acquired, or
- (ii) in the case of an association, partnership or individual, undertakes to cease to carry on its or his business or activities, or change its or his name to a dissimilar name, within six months after the filing of the articles or amendment by which the name is acquired;
- (b) suggest or imply a connection with the Crown or the Government of Canada or the government of a municipality or any province or territory of Canada or any department, branch, bureau, service, agency or activity of any such government or municipality without the consent in writing of the appropriate authority;
- (c) suggest or imply a connection with a political party or a leader of a political party;
- (d) contain any word or phrase that indicates or implies that it is incorporated for any object other than one or more of the objects set out in its articles;
- (e) contain any word or phrase or any abbreviation or derivation thereof, the use of which is prohibited or restricted under any other Act unless in the latter case the restrictions are complied with; or
- (f) in the opinion of the Minister, be objectionable on any public grounds.

(2) If a co-operative through inadvertence or otherwise has acquired a name contrary to subsection 1, the Minister may, ^{Change of name if objectionable} after he has given the co-operative an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

(3) Where an undertaking referred to in clause *a* of subsection 1 is given by a co-operative and the undertaking is not carried out within the time specified, the Minister may, ^{Failure to perform undertaking} after giving the co-operative an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

- Idem** (4) Where an undertaking referred to in clause *a* of subsection 1 is given by a corporation to which this Act does not apply or by an association, partnership or individual and the undertaking is not carried out within the time specified, the Minister may, after giving the co-operative that acquired the name by virtue of such undertaking an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the co-operative to the name specified in the certificate, and, upon the issuance of the certificate, the articles are amended accordingly.
- Change not to affect rights, etc.** **10.** A change in the name of a co-operative does not affect its rights or obligations.
- Unauthorized use of "Limited", etc.** **11.** Where a co-operative carries on business or identifies itself to the public in a name or style other than as provided in the articles, such name or style shall not include the word "Limited", "Incorporated" or "Corporation" or any abbreviation thereof.
- Reservation of name** **12.—(1)** Any person may, on application in writing and on the payment of the prescribed fee, reserve a corporate name for the use and benefit of the applicant or his nominee for a period of ninety days or such lesser period as he specifies, if the name is at the time not contrary to section 9.
- Idem** (2) During the period for which the name has been reserved, no corporation shall acquire the name or a similar name without the consent in writing of the person for whose use and benefit the name has been reserved.
- SEAL AND HEAD OFFICE
- Corporate seal** **13.—(1)** A co-operative shall have a seal which shall be adopted and may be changed by resolution of the directors.
- Idem** (2) The name of the co-operative shall appear in legible characters on the seal.
- Head office** **14.—(1)** Subject to subsection 2, a co-operative shall at all times have its head office at the place in Ontario where the articles provide that the head office is to be located.
- Change of head office** (2) A co-operative may by by-law change the municipality or geographic township in which its head office is located to another place in Ontario.
- Where municipality annexed or amalgamated** (3) Where the location of the head office of a co-operative is changed by reason only of the annexation or amalgamation of the place in which the head office is located

to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2.

(4) The co-operative shall, within ten days after a by-law^{Filing of by-law} passed under subsection 2 has been confirmed by the members, file a certified copy of the by-law with the Minister.

(5) A co-operative may by resolution of the directors change^{Change of street address} the location of its head office within a municipality or geographic township and shall, within ten days after the passing of the resolution, file with the Minister notice of the change giving the address including the street and number, if any, of the new location.

(6) Failure to comply with subsection 4 or 5 does not^{Validity} affect the validity of the by-law or resolution.

POWERS

General

15.—(1) Every co-operative has power,^{Corporate characteristics}

- (a) to have perpetual succession;
- (b) to contract and sue and be sued in its corporate name; and
- (c) to carry on business in or identify itself to the public by a name or style other than its corporate name.

(2) A co-operative has power as incidental and ancillary^{Incidental powers} to the objects set out in its articles,

- 1. to carry on any other business capable of being conveniently carried on in connection with its business or likely to enhance the value of any of its property or rights;
- 2. to acquire or undertake the whole or any part of the business, property and liabilities of any person carrying on any business that the co-operative is authorized to carry on;
- 3. to apply for, register, purchase, lease, acquire, hold, use, control, license, sell, assign or dispose of patents, patent rights, copyrights, trade marks, formulae, licences, inventions, processes, distinctive marks and similar rights;

4. to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or corporation carrying on or engaged in or about to carry on or engage in any business or transaction that the co-operative is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the co-operative;
5. where authorized to do so by resolution of the board of directors and where it is necessary to enable the co-operative to improve its services to its members, to take or otherwise acquire and hold securities in any other corporation having objects altogether or in part similar to those of the co-operative or carrying on any business capable of being conducted so as to benefit the co-operative;
6. to lend money to any other corporation or any firm or person having dealings with the co-operative or with whom the co-operative proposes to have dealings or to any other corporation any of whose shares are held by the co-operative;
7. to apply for, secure or acquire by grant, legislative enactment, assignment, transfer, purchase or otherwise, and to exercise, carry out and enjoy any charter, licence, power, authority, franchise, concession, right or privilege, that any government or authority or any corporation or other public body may be empowered to grant, and to pay for, aid in and contribute towards carrying it into effect and to assume any liabilities or obligations incidental thereto;
8. to establish and support or aid in the establishment and support of associations, institutions, funds or trusts for the benefit of employees or former employees of the co-operative or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this paragraph, and to subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
9. to promote any corporation for the purpose of acquiring or taking over any of the property and liabilities of the co-operative or for any other purpose that may benefit the co-operative;

10. to purchase, lease, take in exchange, hire or otherwise acquire any personal property and any rights or privileges that the co-operative considers necessary or convenient for the purposes of its business;
11. to construct, maintain and alter any buildings or works necessary or convenient for its objects;
12. to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for its actual use and occupation or for carrying on its undertaking, and, when no longer necessary therefor, to sell, alienate or convey it;
13. to take, hold and alienate real and personal property that has in good faith been mortgaged to the co-operative by way of security for, or conveyed to it in satisfaction of, debts previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the co-operative;
14. to construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, water-courses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences that may advance the interests of the co-operative and contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;
15. to raise and assist in raising money for, and aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any person or corporation and guarantee the performance or fulfilment of any contracts or obligations of any person or corporation, and in particular guarantee the payment of the principal of and interest on the debt obligations of any such person or corporation;
16. to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading, warrants and other negotiable or transferable instruments;
17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose

of all or substantially all the property of the co-operative for such consideration as the co-operative thinks fit;

18. to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the co-operative in the ordinary course of its business;
19. to adopt such means of making known the products or services of the co-operative as may seem expedient, and in particular by advertising, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes and rewards and making donations;
20. to cause the co-operative to be registered and recognized in any foreign jurisdiction or any province or territory of Canada, and designate persons therein according to the laws of that foreign jurisdiction or that province or territory of Canada to represent the co-operative and to accept service for and on behalf of the co-operative of any process or suit;
21. to allot and issue fully-paid shares of the co-operative in payment or part payment of any property purchased or otherwise acquired by the co-operative or for any past services performed for the co-operative;
22. to distribute among the members of the co-operative in cash, kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner deemed advisable, any property of the co-operative, but not so as to decrease the capital of the co-operative unless the distribution is made for the purpose of enabling the co-operative to be dissolved or the distribution, apart from this paragraph, would be otherwise lawful;
23. to establish agencies and branches;
24. to take or hold mortgages, hypothecs, liens and charges to secure payment of the purchase price, or of any unpaid balance of the purchase price, of any part of the property of the co-operative of whatsoever kind sold by the co-operative, or for any money due to the co-operative from purchasers and others and to sell or otherwise dispose of any such mortgage, hypothec, lien or charge;

25. to pay all costs and expenses of or incidental to the incorporation and organization of the co-operative;
26. to invest and deal with the moneys of the co-operative not immediately required for the objects of the co-operative in such manner as may be determined;
27. to do any of the things authorized by this subsection and all things authorized by its articles as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
28. to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the co-operative.

(3) Any of the powers set out in subsection 2 may be with- Limited by articles
held or limited by the articles.

(4) Every co-operative may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in Powers to act outside of Ontario
force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

16.—(1) No act of a co-operative and no transfer of real Acting outside powers
or personal property to or by a co-operative, otherwise lawful, that is heretofore or hereafter done or made, is invalid by reason of the fact that the co-operative was without capacity or power to do such act or make or receive such transfer, but such lack of capacity or power may be asserted,

- (a) in a proceeding against the co-operative by a member under subsection 2;
- (b) in a proceeding by the co-operative, whether acting directly or through a receiver, liquidator, trustee or other legal representative or through members in a representative capacity, against a director or officer or former director or officer of the co-operative; or
- (c) as cause for the cancellation of the certificate of incorporation of the co-operative under section 166.

(2) A member of a co-operative may apply to a court of Restraining order
competent jurisdiction for an order to restrain the co-operative from doing any act or transferring or receiving the transfer of real or personal property on the ground that the co-operative lacks capacity or power for the purpose, and the court may, if it considers it to be just and equitable, grant an order prohibiting the co-operative from doing the act or transferring

or receiving the transfer of the real or personal property, but, where the act or transfer sought to be restrained or prohibited is being or to be done or made under a contract to which the co-operative is a party,

- (a) all the parties to the contract shall be parties to the proceeding;
- (b) the court in granting the order may set aside the contract and allow the co-operative or other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them from the granting of the order and setting aside of the contract, other than anticipated profits from the contract.

Loans to
members,
directors,
etc.

17.—(1) A co-operative shall not make loans to any of its members, directors or employees or give directly or indirectly, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance to any member, director or employee, except in the course of transactions of a type available to all members of the co-operative.

Liability of
directors
and officers

(2) Those directors and officers of a co-operative who authorize or consent to making a loan or giving financial assistance in contravention of subsection 1 are jointly and severally liable to the co-operative and to its creditors for any actual loss to the co-operative together with interest at the rate of 6 per cent a year.

Contracts

Contracts in
writing
under seal

18.—(1) A contract that if entered into by an individual person would by law be required to be in writing and under seal may be entered into on behalf of a co-operative in writing under the seal of the co-operative.

Contracts in
writing not
under seal

(2) A contract that if entered into by an individual person would by law be required to be in writing signed by the parties to be charged therewith may be entered into on behalf of a co-operative in writing signed by any person acting under its authority, express or implied.

Parol
contracts

(3) A contract that if entered into by an individual person would by law be valid although made by parol only and not reduced into writing may be entered into by parol on behalf of a co-operative by any person acting under its authority, express or implied.

19. A co-operative may, by writing under seal, empower ^{Power of attorney} any person, either generally or in respect of any specified matters, to execute, as its attorney and on its behalf in any place within or outside Ontario, documents to which it is a party in any capacity and that are required by law to be under seal, and every document signed by such attorney on behalf of the co-operative acting within the scope of his authority, express or implied, and under his seal binds the co-operative and has the same effect as if it were under the seal of the co-operative.

20.—(1) In this section,

^{Interpre-}
^{tation}

- (a) “contractor” means a person who enters into a preincorporation contract in the name of or on behalf of a co-operative before its incorporation;
- (b) “other party” means a person with whom a contractor enters into a preincorporation contract;
- (c) “preincorporation contract” means a contract entered into by a contractor in the name of or on behalf of a co-operative before its incorporation.

(2) A co-operative may adopt a preincorporation contract ^{Adoption of preincorporation contracts} entered into in its name or on its behalf, and thereupon the co-operative is entitled to the benefits and is subject to the liabilities that were contracted in its name or on its behalf and the contractor ceases to be entitled to such benefits or to be subject to such liabilities.

(3) Where a preincorporation contract is not adopted by a ^{Non-adoption of preincorporation contracts} co-operative, the contractor is entitled to the benefits and subject to the liabilities under the contract and is entitled to recover from the co-operative the value of any benefit received by the co-operative under the contract.

(4) Whether or not a preincorporation contract is adopted ^{Application to court for relief} by the co-operative, the other party may apply to the court which may, notwithstanding subsections 2 and 3, make an order fixing or apportioning liability as between the contractor and the co-operative in any manner the court considers just and equitable under the circumstances.

By-Laws and Resolutions

21. The directors may pass by-laws not contrary to this ^{By-laws} Act or to the articles to regulate,

- (a) the allotment and issue of shares, the payment thereof, the issue of share certificates and the transfer and the registration of transfers of shares;
- (b) the admission of persons as members and as *ex officio* members and the qualification of and the conditions of membership;
- (c) the time for and the manner of election of directors;
- (d) the qualification and remuneration of directors including conditions on eligibility of directors of the co-operative by reference to a minimum annual volume of business conducted by a director with the co-operative;
- (e) the appointment, remuneration, functions, duties and removal of agents, officers and employees of the co-operative and the security, if any, to be given by them to it;
- (f) the time and place and the notice to be given for the holding of meetings of the members and of the board of directors, the quorum at meetings of members and the procedure in all things at members' meetings and at meetings of the board of directors;
- (g) the payment of fees and dues of members;
- (h) the issue of membership cards and loan certificates;
- (i) the suspension and termination of memberships by the co-operative and by the members;
- (j) the conduct in all other particulars of the affairs of the co-operative.

Remuneration of directors

22. A by-law relating to the remuneration of a director as director shall fix the remuneration and the period for which it is to be paid.

Passing of by-laws

23. No by-law is effective until it is,

- (a) passed by the directors of a co-operative; and
- (b) confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the members of the co-operative duly called for that purpose, or such greater proportion of the votes cast as the articles provide.

Delegates

24.—(1) The directors may pass by-laws providing for, By-laws
re delegates

- (a) the division of its members into groups, either territorially or on the basis of common interest;
- (b) the election of some or all of its directors,
 - (i) by such groups on the basis of the number of members in each group or the volume of business done by each group with the co-operative, or both, or
 - (ii) for the groups in a defined geographical area, by the delegates of such groups meeting together;
- (c) the election of delegates and alternate delegates to represent each group on the basis of the number of members in each group or the volume of business done by each group with the co-operative, or both;
- (d) where all of the members are co-operatives, the election of delegates and alternate delegates to represent such co-operatives on the basis of the number of members in each co-operative or the volume of business done with each co-operative, or both;
- (e) the number and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of a meeting of the members;
- (h) the holding of meetings of members or delegates territorially or on the basis of common interest;
- (i) the payment of expenses of delegates attending meetings.

(2) A delegate has only one vote and shall not vote by Voting
proxy.

(3) No person shall be elected a delegate who is not a Qualifi-
cation
of delegates
member, officer or director of the co-operative.

Saving (4) No by-law under subsection 1 shall prohibit members from attending meetings of delegates and participating in the discussions at such meetings.

CAPITAL

Authorized Capital

Shares **25.**—(1) The authorized capital of a co-operative shall be divided into shares with par value and may consist of shares of more than one class.

Par value (2) Each class of shares shall have a par value of \$1 or any multiple thereof not exceeding \$100.

Authorized capital (3) The authorized capital of the co-operative shall be expressed in Canadian currency in its articles and is an amount equal to the total of the products of the number of shares of each class multiplied by the par value thereof.

Common shares **26.**—(1) The common shares of a co-operative shall be shares to which there is attached no preference, right, condition, restriction, limitation or prohibition set out in the articles of the co-operative other than the restriction on the allotment, issue or transfer.

Classes of shares (2) Where a co-operative has only one class of shares, that class shall be common shares and designated as co-operative or co-op common shares.

Idem (3) Where a co-operative has more than one class of shares, one class shall be common shares, designated as provided in subsection 2, and the other shares shall consist of one or more classes of preference shares and shall have attached thereto the designation co-operative or co-op preference shares and such other designation and preferences, rights, conditions, restrictions, limitations or prohibitions as set out in the articles.

Preference shares (4) No class of preference shares shall be designated as preference shares or by words of like import, unless the class has attached thereto a preference or right over the common shares.

Preferences, rights, etc. **27.** A co-operative may issue one or more classes of preference shares having attached thereto preferences, rights, conditions, restrictions, limitations or prohibitions, including but not limited to,

(a) the right to cumulative, non-cumulative or partially cumulative dividends;

- (b) a preference over any other class or classes of shares as to the payment of dividends;
- (c) a preference over any other class or classes of shares as to the repayment of the par value together with any dividends declared but unpaid upon the dissolution of the co-operative or otherwise;
- (d) the right of the co-operative to redeem, without the consent of the holders thereof, all or a part of the shares of that class at their par value together with any dividends declared but unpaid.

28. Each share of a class shall be the same in all respects as every other share of that class. Equality of shares of a class

Issued Capital

29. The issued capital of a co-operative shall be expressed in Canadian currency and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the co-operative in accordance with this Act. Issued capital

30.—(1) Where an issued share of a class is cancelled, the issued capital is decreased by an amount equal to the par value of the shares of that class. Cancellation of par share

(2) Where a fraction of an issued share of a class is cancelled, the issued capital is decreased by an amount that bears the same proportion to the amount determined under subsection 1 that the fraction bears to a whole share of that class. Cancellation of fractions of shares

Redemption, Purchase and Surrender

31.—(1) Where the articles provide that the shares of a class of preference shares are redeemable without the consent of the holders thereof and part only of the preference shares are to be redeemed, the shares to be redeemed shall be selected, Redemption of preference shares

- (a) by lot in such manner as the board of directors determines;
- (b) as nearly as may be in proportion to the number of preference shares of the class registered in the name of each holder of shares of that class; or
- (c) in such other manner as the board of directors determines with the consent of the holders of prefer-

ence shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to one or more of those methods set out in clauses *a*, *b* and *c*.

Insolvency (2) A co-operative shall not redeem shares under subsection 1 if the co-operative is insolvent or if the redemption would render the co-operative insolvent.

Method of redemption (3) Where shares of a class of preference shares are selected in the manner referred to in clause *c* of subsection 1, the selection shall be consented to in writing by,

(*a*) all the holders of the preference shares of the class;
or

(*b*) at least 95 per cent of the holders of the preference shares of the class holding at least 95 per cent of the issued shares of that class if, after twenty-one days notice has been given by sending notice to each of the holders of shares of that class addressed to him at his latest address as shown on the records of the co-operative, none of the holders of shares of that class dissents in writing to the co-operative.

Idem (4) Where a holder of redeemable preference shares of a co-operative dies or leaves its employment, notwithstanding subsection 1, it may within one year of such event redeem all or any of the preference shares held by him.

Purchase of preference and common shares **32.**—(1) Subject to subsection 2, a co-operative,

(*a*) with the consent of the holder thereof, may purchase all or a part of the shares in the co-operative held by any person upon payment of such an amount to that person not exceeding the par value of the shares together with any dividends declared but unpaid;

(*b*) when a corporate member is about to be dissolved or a member has failed for a period of two years to transact any business with the co-operative, may redeem without the consent of such member his shares upon payment to him of an amount equal to the book value or par value of such shares, whichever is the lesser.

Insolvency (2) A co-operative shall not purchase or redeem shares under subsection 1 if the co-operative is insolvent or if the purchase would render the co-operative insolvent.

(3) Where shares are purchased or redeemed by a co-operative under subsection 1 or where preference shares are redeemed pursuant to the articles,

- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the co-operative are thereby decreased, and the articles are amended accordingly;
- (b) if the articles do not require the shares to be cancelled,
 - (i) the board of directors may at the time of the purchase or redemption cancel the shares in which case the authorized and issued capital of the co-operative are thereby decreased and the articles are amended accordingly; or
 - (ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

33.—(1) A co-operative may accept from any member a donation of any of its shares without any repayment of capital in respect thereof. Donation of shares

(2) Shares accepted under subsection 1 are not thereby cancelled, and the board of directors may sell the shares at such time and price and on such terms as it determines. Sale of donated shares

Offering Statement

34.—(1) Prior to the issue of any securities by a co-operative, the co-operative shall file with the Minister an offering statement and obtain a receipt therefor. Offering statement

(2) Subsection 1 does not apply to the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56. Exception

35.—(1) An offering statement shall provide full, true and plain disclosure of all material facts relating to the securities proposed to be issued. Standard of disclosure

(2) An offering statement shall comply as to form and content with the requirements of this Act and the regulations. Form and content

(3) There shall be filed with an offering statement such documents, reports and other material as are required by this Act and the regulations. Supporting material

Material
changes

(4) Where there is a material change in the facts set forth in an offering statement, whether before or after the issuance of a receipt therefor, the co-operative shall, within thirty days of that change, file with the Minister a statement of such change.

Further
statements

(5) A co-operative may, and shall if required by the Minister, file a further offering statement revised to give effect to all previous material changes in place of the statement of material change mentioned in subsection 4.

Issue of
receipts

36.—(1) The Minister may in his discretion issue a receipt for any statement filed under section 34 or subsections 4 or 5 of section 35 unless it appears to the Minister that,

- (a) the statement or any document required to be filed therewith,
 - (i) fails to comply in any substantial respect with any of the requirements of this Act or the regulations,
 - (ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or
 - (iii) conceals or omits to state any material facts necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or
- (b) the proceeds from the sale of the securities to which the statement relates that are to be paid into the treasury of the co-operative, together with other resources of the co-operative, are insufficient to accomplish the purpose of the issue stated in the statement.

Idem

(2) The Minister shall not make any determination under subsection 1 without making an order or ruling in writing and without giving the co-operative that filed the statement a prior opportunity to be heard.

Inspection of
statement

37.—(1) A copy of a statement for which the Minister has issued a receipt under section 36 shall be open to inspection,

- (a) at the offices of the Ministry; and
- (b) during normal business hours, at the head office of the co-operative.

(2) No person shall refuse to permit a person to inspect ^{Extracts} such statements or to make extracts therefrom.

38. A co-operative already in existence when this Act ^{Transition} comes into force shall have a period of 180 days from that date during which to comply with sections 34 to 37.

Allotment, Issue and Transfer

39.—(1) Shares shall not be allotted or issued except for a ^{Issue of shares} consideration at least equal to the product of the number of shares allotted or issued multiplied by the par value thereof.

(2) No share shall be issued until it is fully paid and a ^{Consideration for shares} share is not fully paid until all the consideration therefor in cash, property or services, as determined under this section, has been received by the co-operative.

(3) For the purposes of subsection 2 and paragraph 21 of ^{Idem} subsection 2 of section 15, a document evidencing indebtedness of the allottee does not constitute property and services shall be past services actually performed for the co-operative, and the value or property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value.

40. No transfer of common shares in a co-operative with ^{Restriction on transfer of common shares} share capital, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction or by transmission to the personal representative of a member, is valid for any purpose unless,

- (a) the transfer has been authorized by resolution of the directors of the co-operative or by a person authorized by such a resolution to approve such transfers;
- (b) the transferee is admitted to membership in the co-operative as required by its articles and by-laws; and
- (c) the entry thereof has been duly made in the register of transfers of the co-operative or in a branch register of transfers,

except only as evidence of the rights of the parties thereto towards each other.

41.—(1) A co-operative may provide by by-law for the ^{Commission on sale of shares} payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe,

whether absolutely or conditionally, for shares in the co-operative, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares but no such commission or discount shall exceed 25 per cent of the amount of the subscription price.

No unauthorized commission (2) Except as provided in subsection 1, no co-operative shall apply any of its shares or capital, either directly or indirectly, in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares of the co-operative or procuring or agreeing to procure subscriptions whether absolute or conditional, for such shares, whether the shares or capital is so applied by being added to the purchase money of any property acquired by the co-operative or to the contract price of any work to be executed for the co-operative, or is paid out of the nominal purchase money or contract price or otherwise.

Shares personal property **42.** The shares of a co-operative are personal property and are transferable in such manner and subject to such conditions and restrictions as are prescribed by this Act and the articles of the co-operative.

Lien on shares **43.** Where the articles or by-laws so provide the co-operative has a lien to the extent of the debt on the shares registered in the name of a member who is indebted to the co-operative.

Share and Loan Certificates

Share and loan certificates **44.—(1)** Every member is entitled to a share or loan certificate in respect of the shares held or loans made by him, signed by the proper officers in such form as the by-laws of the co-operative provide, but in no case is the co-operative bound to issue more than one share or loan certificate in respect of a share or shares held or a loan made jointly by several persons, and delivery of a share or loan certificate to one of several joint holders or lenders is sufficient delivery to all.

Fee (2) A co-operative may charge a fee of not more than \$1 for every share certificate issued, except that in the case of the allotment and issue of shares, no fee shall be charged.

Signing of certificate **45.** A share or loan certificate shall be signed manually by at least one officer of the co-operative or by or on behalf of a transfer agent of the co-operative, and the co-operative may by by-law provide that any additional signatures required on share or loan certificates may be printed, engraved, litho-

graphed or otherwise mechanically reproduced thereon, and in such event share or loan certificates so signed are as valid as if they had been signed manually.

46.—(1) Every share or loan certificate shall state upon its face, Contents of certificates

- (a) the name of the co-operative and the words “A co-operative incorporated under the law of the Province of Ontario” or words of like effect;
- (b) the name of the person to whom the share or loan certificate is issued as holder;
- (c) the amount, maturity date and annual rate of interest where the certificate represents a loan;
- (d) the number and class of shares represented thereby and the par value thereof where the certificate represents shares;
- (e) a statement of the dividend rate, where applicable.

(2) Every share certificate shall have noted conspicuously thereon the words “Transfer of these shares is restricted”. Restrictions to be noted

(3) Where the articles or by-laws provide that a co-operative has a lien on shares as authorized by section 43, the right of the co-operative to the lien shall be noted conspicuously on every share certificate issued by the co-operative. Notice of lien

(4) In this section, “noted conspicuously” means written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them. Interpretation

47.—(1) A share certificate issued for a share of a class of preference shares shall, Contents of preference share certificate

- (a) legibly state on the certificate or have attached thereto a legible statement of the preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class of shares; or
- (b) legibly state on the certificate that there are preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class and that a copy of the full text thereof is obtainable on demand and without fee from the co-operative.

Idem

(2) Where a share certificate contains a statement as provided in clause *b* of subsection 1, the co-operative shall furnish to the holder of the shares on demand without fee a copy of the full text of the preferences, rights, conditions, restrictions, prohibitions and limitations attaching to the share.

Fractional shares

48. Where, as a result of a change in authorized capital of a co-operative, a person becomes entitled to a fraction of a share, he is not entitled to be registered on the records of the co-operative in respect thereof or to receive a share certificate therefor, but he is entitled to receive a bearer fractional certificate in respect to such fraction, and on presentation at the head office of the co-operative or at a place designated by the co-operative of bearer fractional certificates for fractions that together represent a whole share, a share certificate for a whole share shall be issued in exchange therefor.

Loan Capital

Member loans

49.—(1) The capital of co-operatives without share capital may be in the form of loans from members, called "member loans", and such loans may be in such amounts, payable on demand or at such times and without interest or at interest not exceeding 8 per cent per annum, or if authorized by by-law of the co-operative, at such a lesser rate as the board of directors may by resolution determine.

Borrowing from members

(2) A co-operative may borrow money from its members not being loans made as a condition of membership or as compulsory loans of patronage returns, in such amounts payable on demand or at such times and either without interest or with interest at such rate as the by-laws provide or, if authorized by by-law, at such rate as the directors may by resolution determine.

Borrowing Powers

Borrowing powers

50.—(1) Where authorized by by-law, the directors may,

- (a) borrow money on the credit of the co-operative; or
- (b) issue, sell or pledge debt obligations of the co-operative; or
- (c) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal movable or immovable property of the co-operative, including book debts, rights, powers,

franchises and undertaking, to secure any debt obligations or any money borrowed or other debt or liability of the co-operative.

(2) Any by-law referred to in subsection 1 may,

Contents
of by-law

- (a) limit the amount to be borrowed as determined by the by-law; and
- (b) provide for the delegation by the directors of the powers conferred on them under the by-law to such directors or officers of the co-operative and to such extent and manner as is set out in the by-law.

51. Nothing in this Act prohibits the issue of debt obligations in bearer form.

Bearer
debt
obligations

52. A condition contained in a debt obligation or in an instrument for securing a debt obligation is not invalid by reason only that the debt obligation is thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long.

Irredeemable
debt
obligations

53.—(1) Where a co-operative makes a charge, mortgage or other instrument of hypothecation or pledge to secure its debt obligations, the co-operative shall forthwith after the making thereof, file a duplicate original or certified copy of the instrument in the office of the Minister, but such filing may be made by any interested person.

Filing
debt
obligations

(2) Where the filing is by an interested person under subsection 1, that person is entitled to recover from the co-operative the amount of any prescribed fee paid by him on such filing.

Recovery
of fee

(3) Subsection 1 does not apply to an instrument filed or registered under any other Act.

Exception

DIVIDENDS AND SURPLUS

54. A co-operative may by by-law provide that, before any distribution of surplus arising from the business of the co-operative in each fiscal year is made, the co-operative may,

Reserve
fund and
dividends

- (a) set aside reserve funds;
- (b) provide for the payment of dividends on the share capital at a rate not to exceed 8 per cent per annum of the amount paid up thereon.

Surplus

Distribution
of net
surplus

55.—(1) Subject to subsection 4, the surplus arising from the business of a co-operative, other than a direct charge co-operative, in each fiscal year shall be allocated, credited or paid to the members in proportion to the business done by each member with or through the co-operative, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the member or by the co-operative from or on behalf of or to the member, or the co-operative whether as principal or as agent of the member or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof.

Idem

(2) The co-operative may by by-law provide that part of the surplus may be allocated, credited or paid to non-members at the same or at lesser rates than to members.

Patronage
return

(3) The amount that is allocated, credited or paid to members or non-members in each fiscal year shall be known as the patronage return.

Limitation
of patronage
return

(4) The co-operative may by by-law provide that, where the value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the co-operative from or on behalf of or to any member or non-member in any year does not exceed \$100, or such lesser amount as is specified in the by-law, no patronage return shall be allocated, credited or paid to such member or non-member.

Marketing
boards

(5) Where members of a co-operative are required by a marketing plan established under an Act of the Legislature, or of the Parliament of Canada, to sell or deliver products or goods or render services to or for a marketing board, then for the purposes of making a patronage return to the members of the co-operative, the members shall be deemed to have sold, delivered or rendered those goods, products or services to the co-operative.

Investment
of patronage
return

56.—(1) A co-operative may by by-law provide that in each fiscal year the whole, or such part as the directors may by resolution determine, of the patronage return of each member shall be applied to the purchase for the member of a stated number of unissued common shares of the co-operative or a stated number of issued common shares of the co-operative, if obtainable.

Notice

(2) Where a co-operative has enacted a by-law under subsection 1 and the whole or part of the patronage return of a

member is required to be invested in issued common shares, the co-operative shall mail a written notice to each member stating the number of shares to be purchased by him.

(3) Unless within thirty days from the date of mailing of the notice referred to in subsection 2 the member required to purchase issued common shares has presented for transfer to himself the number of shares that he is required to purchase, the co-operative may on behalf of such member, Purchase of shares on behalf of member

- (a) purchase the required number of common shares from members who are willing to sell such shares;
- (b) pay out of the patronage return of such member the purchase price;
- (c) transfer such shares to the member; and
- (d) issue and forward to such member a certificate representing such shares.

(4) A co-operative may enact by-laws requiring its members to lend to it the whole, or such part as the directors may determine, of the patronage returns to which they may become entitled in each fiscal year upon such terms and at such rate of interest as the directors, if authorized by by-law, may by resolution determine, but in no case at a rate of interest greater than 8 per cent per annum. Compulsory borrowing

(5) No member shall be required under this section to purchase issued or unissued shares at a price in excess of the par value thereof or issued shares when no such shares are available for purchase. Idem

(6) Where the co-operative is insolvent, no member shall be required under this section to lend his patronage return or to purchase shares of the co-operative. Idem

(7) This section does not prevent a member from receiving so much of his patronage return as has not been appropriated to loans to the co-operative in accordance with a resolution of the board of directors or the by-laws. Idem

57.—(1) A co-operative may, when authorized by by-law, deduct a percentage amount from the moneys received by the co-operative on the goods, products or services marketed, handled or dealt in by the co-operative for or on behalf of any member. Percentage deductions by co-operative

(2) An amount retained by a co-operative under subsection 1 shall be applied by the co-operative, Idem

- (a) as a loan on such terms and at such rate of interest not exceeding 8 per cent per annum as the by-law provides; or
- (b) as an investment by the member in common shares of the co-operative, but no member shall be required to purchase such shares in the co-operative at a price in excess of the par value thereof.

Dividends

Power to
decrease
dividends

58.—(1) Subject to subsection 2 and the articles of the co-operative, the directors may declare and the co-operative may pay dividends on its issued shares.

Not to
exceed 8 per
cent

(2) A dividend shall not exceed 8 per cent per annum of the par value of the share.

Manner of
payment

(3) A dividend may be paid in cash or in property not exceeding in value the amount of the dividend.

When
dividend
not to be
declared

(4) The directors shall not declare and the co-operative shall not pay any dividend when the co-operative is insolvent, or any dividend the payment of which renders the co-operative insolvent or that diminishes its capital.

Stock
dividends

59. For the amount of any dividend that the directors may declare payable in cash, they may declare a stock dividend and issue therefor shares of the co-operative as fully paid.

MEMBERS

Membership

Membership

60.—(1) Subject to the provisions of this Act and the articles of the co-operative, membership therein is governed by the by-laws of the co-operative.

Classes of
membership

(2) The articles of a co-operative may provide for more than one class of membership and in that case shall set forth the designation of and the terms and conditions attaching to each class.

Incor-
porators
deemed
members

61.—(1) Each incorporator of a co-operative who has subscribed for a common share in the co-operative or who has paid a membership fee, if any, shall upon the effective date of incorporation be entered upon the register of members.

(2) No person shall become a member of a co-operative until his application for membership has been approved by the directors and the applicant has complied fully with the by-laws governing admission of members. Applicants for membership

(3) A subscription for common shares in a co-operative with share capital constitutes an application for membership and the allotment of a common share to the applicant constitutes admission to membership. Idem

(4) An application for authorization of the transfer of common shares in a co-operative with share capital constitutes an application for membership and the passing of the resolution authorizing the transfer constitutes admission to membership. Idem

62. No transfer of a membership in a co-operative without share capital is valid for any purpose whatever, Restrictions on transfer of memberships

(a) unless a written application for membership by the transferee has been approved by a resolution of the directors of the co-operative or by a person authorized by such a resolution to approve such applications; and

(b) until notification of the approval under clause *a* has been sent the transferee and his name has been entered on a register of members,

except only as evidence of the rights of the parties thereto towards each other.

63.—(1) Subject to the by-laws of the co-operative, a person of the full age of sixteen years or more may become a member thereof. Eligible age for members

(2) Any person under the full age of eighteen years admitted to membership in the co-operative is competent to enter into any contract with the co-operative, and with respect to contracts with the co-operative is *sui juris*. Members sui juris

64.—(1) Subject to section 67, a member may withdraw from a co-operative by giving to the secretary of the co-operative six months notice of his intention to withdraw. Notice of withdrawal

(2) A deceased member shall be deemed to have given notice to the co-operative on the day of his death of his intention to withdraw. Idem

(3) Subject to subsection 4, where notice of intention to withdraw has been given to a co-operative under subsection 1, Repayment to members on withdrawal

or is deemed to have been given under subsection 2, the co-operative shall, within six months of the receipt thereof,

- (a) purchase for an amount equal to the par value together with all dividends declared but unpaid or for an amount that is less than par value and that is agreed to by the co-operative and the member or his personal representative, all shares in the co-operative held by the member; and
- (b) pay to him or his personal representative all amounts held to his credit, excluding term loans, together with any interest accrued thereon and the amount outstanding on loans made to the co-operative by the member that are repayable on demand by the member together with any interest accrued thereon.

Election by
member

(4) Notwithstanding subsection 3, a member who has given notice under subsection 1 may elect in such notice to retain all or some of his shares or loans in the co-operative.

Idem

(5) Where an election is made under subsection 4, the person may later withdraw some or all of his shares or loans from the co-operative by giving notice to the co-operative in the manner prescribed by subsection 1, and the co-operative shall, within six months of the receipt thereof,

- (a) purchase the shares at their par value or at a value that is less than par value and that is agreed to by the co-operative and such person;
- (b) pay to him the amounts held to his credit together with any interest accrued thereon; and
- (c) pay to him the amount outstanding on loans repayable on demand together with any interest accrued thereon,

that are referred to in the notice.

Extension
of time for
repayment

(6) Where, in the opinion of the directors of the co-operative, payments in accordance with subsection 3 or 5 would not be in the best interests of the co-operative, the directors may by resolution suspend such payments for a period of one year or for such greater period and upon such terms and conditions as the Minister may approve.

Dealing by
co-operative
with personal
representa-
tives

65.—(1) Where a person is shown on the records of a co-operative as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the co-operative for any payment or other distribution made in respect of the share whether notice of any trust has been

given to the co-operative or not, and the co-operative is not bound to see to the application of such payment or other distribution.

(2) Where shares are purchased by a co-operative under subsection 1 of section 32 or subsection 3 of section 64 or section 66 or accepted under subsection 1 of section 33 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of members or to receive any payment in respect of the shares whether by way of dividend or otherwise until such shares are resold. ^{Co-operative not to vote, etc.}

66.—(1) A member may be expelled from membership in a co-operative by resolution passed by a majority of the board of directors at a meeting duly called for the purpose. ^{Expulsion of member}

(2) A resolution under subsection 1 shall not be valid unless, ^{Validity}

(a) prior written notice is given to the member setting forth the grounds upon which it is sought to expel him;

(b) the notice is given such member ten days or more before the date of the meeting of the board of directors called to consider the resolution expelling that member but in no case later than thirty days before the date set for the annual meeting of the co-operative; and

(c) an opportunity is given such member to appear, either personally or by an agent or counsel, to make submissions at the meeting of the board of directors called to consider the resolution expelling that member.

(3) The secretary of the co-operative shall, within five days of the date of the resolution expelling the member, notify the member of his expulsion by registered letter addressed to him at his latest known address. ^{Notice of expulsion}

(4) Where a resolution expelling a member is passed under subsections 1 and 2, the member may appeal the decision of the board of directors at the next annual or general meeting of members and the members by majority vote may confirm, vary or set aside that resolution. ^{Appeal by member}

(5) A member who wishes to appeal his expulsion to a meeting of members shall give notice of his intention to appeal within twenty-one days of receipt of the notice of expulsion mentioned in subsection 3, and the directors shall, if written representations are received seven or more days before the mailing of the notice of the meeting, at the expense of the co-operative, forward with the notice of the meeting a ^{Idem}

copy of such representations to each member entitled to receive notice of the meeting.

Effect of
expulsion

(6) Where a member has been expelled, the co-operative shall purchase from the member, within one year after his expulsion became final, at par value all his shares in the capital of the co-operative together with all amounts held to his credit together with any interest accrued thereon and the amount outstanding on loans, made to the co-operative by the member that are repayable on demand by the member together with interest accrued thereon.

Whereabouts
of member
unknown

(7) If the whereabouts of a member is unknown to the co-operative after all reasonable efforts have been made to ascertain his address for the purpose of making payment to him under subsection 6, amounts payable thereunder to him shall be transferred to a reserve fund of the co-operative; and any amounts so transferred shall, if claimed within thirty years after being so transferred by a person who produces evidence to the satisfaction of the directors of the co-operative that he is entitled thereto, be paid over to such person and, after the expiration of such thirty-year period, any amount so transferred shall be forfeited to the co-operative and transferred out of the reserve fund to it.

Where
repayment
not to be
made

67.—(1) A co-operative shall not exercise its powers under section 64 or 66,

- (a) if the co-operative is insolvent or if the exercise of its powers under that section would render the co-operative insolvent; or
- (b) if such exercise of its powers would in the opinion of the board of directors be detrimental to the financial stability of the co-operative.

Shares to be
cancelled or
resold

(2) Where the shares of a member are acquired under section 64 or 66,

- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the co-operative are thereby decreased, and the articles are amended accordingly;
- (b) if the articles do not require the shares to be cancelled,
 - (i) the board of directors may at the time of the purchase cancel the shares, in which case the authorized and issued capital of the co-

operative are thereby decreased and the articles are amended accordingly; or

- (ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Member's Rights

68.—(1) Subject to subsection 2, a member of a co-operative may maintain an action in a representative capacity for himself and all other members of the co-operative suing for and on behalf of the co-operative to enforce any right, duty or obligation owed to the co-operative under this Act or under any other statute or rule of law or equity that could be enforced by the co-operative itself, or to obtain damages for any breach of any such right, duty or obligation. Derivative action

(2) An action under subsection 1 shall not be commenced until the member has obtained an order of the court permitting the member to commence the action. Leave

(3) A member may, upon at least seven days notice to the co-operative, apply to the court for an order referred to in subsection 2, and, if the court is satisfied that, Application for order to commence action

- (a) the member was a member of the co-operative at the time of the transaction or other event giving rise to the cause of action;
- (b) the member has made reasonable efforts to cause the co-operative to commence or prosecute diligently the action on its own behalf; and
- (c) the member is acting in good faith and it is *prima facie* in the interests of the co-operative or its members that the action be commenced,

the court may make the order upon such terms as the court thinks fit, except that the order shall not require the member to give security for costs.

(4) At any time or from time to time while the action commenced under this section is pending, the plaintiff may apply to the court for an order for the payment to the plaintiff by the co-operative of reasonable interim costs including solicitor's and counsel fees and disbursements, for which interim costs the plaintiff shall be accountable to the co-operative if the action is dismissed with costs on final disposition at the trial or on appeal. Application for order for interim costs

Trial and
judgment

(5) An action commenced under this section shall be tried by the court and its judgment or order in the cause, unless the action is dismissed with costs, may include a provision that the reasonable costs of the action are payable to the plaintiff by the co-operative or other defendants taxed as between a solicitor and his own client.

Discontin-
uance and
settlement

(6) An action commenced under this section shall not be discontinued, settled or dismissed for want of prosecution without the approval of the court and, if the court determines that the interests of the members may be substantially affected by such discontinuance, settlement or dismissal, the court, in its discretion, may direct that notice in manner, form and content satisfactory to the court shall be given, at the expense of the co-operative or any other party to the action as the court directs to the members thereof whose interests the court determines will be so affected.

Rights of
dissenting
members

69.—(1) If, at a meeting of members of a co-operative,

- (a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the co-operative is confirmed with or without variation by the members;
- (b) a resolution approving an agreement for the amalgamation of the co-operative with one or more other co-operatives is passed by the members;
- (c) a resolution passed by the directors approving the conversion of the co-operative into a corporation to which *The Business Corporations Act* applies is confirmed with or without variation by the members;
- (d) a resolution passed by the directors approving the conversion of the co-operative into one with or without share capital is confirmed with or without variation by the members; or
- (e) a resolution passed by the directors under section 159 is confirmed with or without variation by the members,

R.S.O. 1970,
c. 53

any member who has voted against the confirmation of the resolution may within ten days after the date of the meeting give notice in writing to the co-operative requiring it to purchase his shares or refund the amount outstanding on loans made to the co-operative by the member together with any interest accrued thereon.

Co-operative
bound to
purchase
shares

- (2) Within ninety days from,

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 159,

the co-operative, or amalgamated co-operative, shall purchase the shares of, or refund the amount outstanding on loans made to the co-operative by, every member who has given notice under subsection 1, and every such member shall sell or deliver up his securities to the co-operative.

(3) The amount and terms of the purchase of a member's ^{Purchase price} shares shall be at their par value or at a value that is less than par value and that is agreed to by the co-operative and the member together with all amounts held to his credit and with interest accrued thereon.

(4) The amount and terms of the repayment of any loans ^{Idem} made by the member to the co-operative shall be at the full amount outstanding together with any interest accrued thereon and unpaid.

(5) The co-operative shall not purchase any shares or repay ^{Saving} any member's loans under subsection 2 or 3 if it is insolvent or if the purchase or repayment would render it insolvent.

(6) If the sale, lease, exchange or other disposition is not ^{Idem} completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting member under this section cease and the co-operative shall not purchase the shares of the member nor refund the amount outstanding on loans made to the co-operative by the member under this section.

70.—(1) Ten per cent of the members of a co-operative may ^{Requisition for by-law or resolution} requisition the directors to call a meeting of the directors for the purpose of passing any by-law or resolution that may properly be passed at a meeting of the directors duly called, constituted and held for that purpose.

(2) The requisition shall set out the by-law or resolution, as ^{Form of requisition} the case may be, that is required to be passed at the meeting and shall be signed by the requisitionists and deposited at the head office of the co-operative, and may consist of several documents in like form, each signed by one or more requisitionists.

Meeting of
directors

(3) Upon deposit of the requisition, the directors shall forthwith call a meeting of the directors for the purpose of passing the by-law or resolution, as the case may be, set out in the requisition.

Meeting of
members

(4) Where the directors do not, within twenty-one days from the date of the deposit of the requisition,

(a) call and hold such a meeting and pass such a by-law or resolution; and

(b) call a general meeting of the members for the purpose of confirming the by-law or resolution if the resolution requires confirmation at a general meeting of the members before it is effective,

any of the requisitionists may call a general meeting of the members for the purpose of passing such a by-law or resolution, and the meeting shall be held within sixty days from the date of the deposit of the requisition.

Notice

(5) A meeting of the members called under subsection 4 shall be called as nearly as possible in the same manner as meetings of members are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting.

Validity of
by-law or
resolution

(6) Where a by-law or resolution is passed at a meeting of the members called under subsection 4, either as set out in the requisition or as varied at the meeting, it is as valid and effective as if it had been passed at a meeting of the directors duly called, constituted and held for that purpose and confirmed at a meeting of the members duly called, constituted and held for that purpose, and if the resolution or by-law is passed by at least two-thirds of the votes cast at a meeting of the members called under subsection 4, it shall be conclusively deemed to be a special resolution or a by-law, as the case may be, for the purposes of this Act.

Repayment
of expenses

(7) The co-operative shall,

(a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the failure of the directors to act in accordance with subsections 3 and 4; and

(b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services, to such

of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting called under subsection 4, the members, by a majority of the votes cast, reject the reimbursement of the requisitionists.

(8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the members, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New requisition on same subject

71.—(1) On the requisition in writing of 5 per cent of the members of the co-operative, the directors shall,

Circulation of members' resolutions, etc.

- (a) give to the members entitled to notice of the next meeting of members notice of any resolution that may properly be moved and is intended to be moved at that meeting; or
- (b) circulate to the members entitled to vote at the next meeting of members a statement of not more than 1,000 words with respect to the matter referred to in any proposed resolution or with respect to the business to be dealt with at that meeting.

(2) The notice or statement or both, as the case may be, shall be given or circulated by sending a copy thereof to each member entitled thereto in the same manner and at the same time as that prescribed by this Act, the articles or the by-laws, for the sending of notice of meetings of members.

Notice

(3) Where it is not practicable to send the notice or statement or both at the same time as the notice of the meeting is sent, the notice or statement or both shall be sent as soon as practicable thereafter.

Idem

(4) The directors are not bound under this section to give notice of any resolution or to circulate any statement unless,

Deposit of requisition, etc.

- (a) the requisition, signed by the requisitionists, is deposited at the head office of the co-operative,
 - (i) in the case of a requisition requiring notice of a resolution to be given, not less than twenty-one days before the meeting,
 - (ii) in the case of a requisition requiring a statement to be circulated, not less than fourteen days before the meeting; and

- (b) there is deposited with the requisition a sum reasonably sufficient to meet the expenses of the co-operative in giving effect thereto.

Where directors not bound to circulate statement

(5) The directors are not bound under this section to circulate any statement if, on the application of the co-operative or any other person who claims to be aggrieved, the court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter, and on any such application the court may order the costs of the co-operative to be paid in whole or in part by the requisitionists notwithstanding that they are not parties to the application.

Where no liability

(6) No co-operative or a director, officer or employee thereof or person acting on its behalf, except a requisitionist, is liable in damages or otherwise by reason only of the giving of a notice or the circulation of a statement, or both, in compliance with this section.

Duty to deal with requisitioned matter

(7) Notwithstanding anything in the by-laws of the co-operative, where the requisitionists have complied with this section, the resolution, if any, mentioned in the requisition shall be dealt with at the meeting to which the requisition relates.

Repayment of expenses

(8) The co-operative shall pay to the requisitionists the sum deposited under clause *b* of subsection 4 unless at the meeting to which the requisition relates the members by a majority of the votes cast reject the repayment to the requisitionists.

Liabilities of Members

Liability on decrease of issued capital

72.—(1) Where the issued loan or share capital of a co-operative is decreased by an amendment to the articles, each person who was a member on the effective date of the amendment is individually liable to the creditors of the co-operative for the debts due on that date to an amount not exceeding the amount of the repayment to him.

Limitation of liability

(2) A person is not liable under subsection 1 unless,

- (a) the co-operative has been sued for the debt within six months after the effective date of the amendment and execution has been returned unsatisfied in whole or in part; and
- (b) he is sued for the debt in a court of competent jurisdiction within two years from the effective date of the amendment.

(3) After execution has been so returned, the amount due ^{Idem} on the execution, not exceeding the amount of the repayment to the person, is the amount recoverable against such person.

(4) Where it is made to appear that there are numerous ^{Class} members who may be liable under this section, the court ^{actions} of competent jurisdiction may permit an action to be brought against one or more of them as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such members as may be found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sum so determined.

(5) No person holding shares or loans in the capacity of a ^{Member in} personal representative and registered on the records of the ^{fiduciary} co-operative as a member and therein described as representing ^{capacity} in such capacity a named estate, person or trust is personally liable under this section, but the estate, person or trust is subject to all liabilities imposed by this section.

73. A member of a co-operative as such is not answerable ^{Member's} or responsible for any act, default, obligation or liability of the ^{liability} co-operative or for any engagement, claim, payment, loss, ^{limited} injury, transaction, matter or thing relating to or connected with the co-operative.

Meetings of Members

74.—(1) Subject to subsections 2 and 3, the meetings of ^{Place of} the members shall be held at the place where the head office ^{meetings} of the co-operative is located.

(2) Where the by-laws of the co-operative so provide, the ^{Exception} meetings of the members may be held at any place within Ontario.

(3) Where the articles of the co-operative so provide, the ^{Idem} meetings of the members may be held at one or more places outside Ontario specified therein.

75.—(1) Subject to subsection 2 and in the absence of other ^{Members'} provisions in that behalf in the articles or by-laws of the ^{meetings} co-operative,

- (a) notice of the time and place for holding a meeting of the members shall be given to each person who is entitled to notice of meetings and who on the record date for notice appears on the records of the co-

operative as a member by sending the notice by pre-paid mail to his latest address as shown on the records of the co-operative twenty-one days or more before the date of the meeting but in no case more than fifty days before the date of the meeting;

- (b) all questions proposed for the consideration of the members at a meeting of members shall be determined by the majority of the votes cast, and the chairman presiding at the meeting has a second or casting vote in case of an equality of votes;
- (c) the chairman presiding at a meeting of members may, with the consent of the meeting and subject to such conditions as the meeting decides, adjourn the meeting from time to time and from place to place;
- (d) the president or, in his absence, a vice-president who is a director shall preside as chairman at a meeting of members, but, if there is no president or such a vice-president or if at a meeting neither of them is present within fifteen minutes after the time appointed for the holding of the meeting, the members present shall choose a person from their number to be the chairman;
- (e) unless a poll is demanded, an entry in the minutes of a meeting of members to the effect that the chairman declared a motion to be carried is admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

Notice

(2) The articles or by-laws of the co-operative shall not provide for fewer than twenty-one days notice for meetings of members and in no case shall notice be given fifty days before the date of the meeting and the articles or by-laws shall not provide that notice may be given otherwise than individually.

Poll

(3) If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and, if the by-laws make no provision therefor, then as the chairman directs.

Voting

76.—(1) A member of a co-operative has only one vote.

Proxies prohibited

(2) Subject to subsection 3, no member of a co-operative shall vote by proxy.

Voting by corporation

(3) A corporate member may appoint under its corporate seal one of its directors or officers to attend and vote on its

behalf at meetings of members and such director or officer has only one vote.

77. A co-operative shall hold an annual meeting of its members not later than eighteen months after its incorporation and subsequently not more than fifteen months after the holding of the last preceding annual meeting and at such meeting any member shall have an opportunity to raise any matter relevant to the affairs and business of the co-operative. Annual meetings

78. The directors may at any time call a general meeting of the members for the transaction of any business, the general nature of which is specified in the notice calling the meeting. General meetings

79.—(1) Five per cent of the members of a co-operative may requisition the directors to call a general meeting of the members for any purpose that is connected with the affairs of the co-operative and that is not inconsistent with this Act. Requisition for members' meeting

(2) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the co-operative and may consist of several documents in like form, each signed by one or more requisitionists. Requisition

(3) Upon deposit of the requisition, the directors shall forthwith call a general meeting of the members for the transaction of the business stated in the requisition. Duty of directors to call meeting

(4) If the directors do not within thirty days from the date of the deposit of the requisition call and hold the meeting, any of the requisitionists may call the meeting, which shall be held within sixty days from the date of the deposit of the requisition. When requisitionists may call meeting

(5) A meeting called under this section shall be called as nearly as possible in the same manner as meetings of members are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting. Calling of meeting

(6) The co-operative shall, Repayment of expenses

(a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the action taken by them under subsection 4; and

(b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services,

to such of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting, the members by a majority of the votes cast reject the reimbursement of the requisitionists.

Requisition
by court
order

80. Notwithstanding section 79, upon application by a member of a co-operative, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the co-operative or its members that the meeting be held on requisition, may make an order, upon such terms as to security for the costs of holding the meeting or otherwise as to the court seem fit, requiring the directors to call a general meeting of the members for any purpose that is connected with the affairs of the co-operative and that is not inconsistent with this Act.

Court may
direct
method of
holding
meetings

81. If for any reason it is impracticable to call a meeting of members of a co-operative in any manner in which meetings of members may be called or to conduct the meeting in the manner prescribed by this Act, the articles or by-laws, the court may, on the application of a director or a member who would be entitled to vote at the meeting, order a meeting to be called, held and conducted in such manner as the court thinks fit, and any meeting called, held and conducted in accordance with the order shall for all purposes be deemed to be a meeting of members of the co-operative duly called, held and conducted.

Record
dates

82. The by-laws may provide for the fixing in advance of a date as the record date,

- (a) for the determination of the members entitled to notice of meetings of the members, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
- (b) for the determination of the members entitled to vote at meetings of the members which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote.

83.—(1) Where a person holds shares as a personal representative of a member, the personal representative is entitled to vote at all meetings of members. Personal representative

(2) Where a person mortgages or hypothecates his shares, that person is the person entitled to vote at all meetings of members unless, in the instrument creating the mortgage or hypothec, he has expressly empowered the person holding the mortgage or hypothec to vote, in which case, subject to the articles, such holder is the person entitled to vote. Mortgagee, etc.

84. Where two or more persons hold the same share or shares jointly, any one of such persons present at a meeting of members has the right in the absence of the other or others to vote, but, if more than one of such persons are present and vote, they shall vote together as one on the share or shares jointly held by them. Joint shareholders

DIRECTORS AND OFFICERS

Directors

85.—(1) Every co-operative shall have a board of directors however designated. Board of directors

(2) The board of directors shall consist of a fixed number of directors, not fewer than five. Composition

(3) A majority of directors on the board of directors of every co-operative shall be resident Canadians. Idem

86.—(1) Each of the persons named as first directors in the articles of a co-operative is a director of the co-operative until replaced by a person duly elected or appointed in his stead. First directors

(2) The first directors of a co-operative have all the powers and duties and are subject to all the liabilities of directors. Idem

87. No person shall be a director of a co-operative unless he is a member thereof and, if he ceases to be a member, he thereupon ceases to be a director. Directors to be members

88.—(1) A co-operative may by by-law increase or, subject to subsection 2 of section 85, decrease the number of its directors as set out in its articles. Change in number of directors

(2) Where a co-operative incorporated under *The Corporations Act* or a predecessor of that Act or under a general or special Act of the Legislature before the coming into Idem R.S.O. 1970, c. 89

force of this Act has fewer than five directors, it shall, under subsection 1, within two years of the coming into force of this Act, increase the number of its directors to not fewer than five.

Filing of
by-law

(3) A co-operative shall file with the Minister a certified copy of the by-law within ten days after the by-law has been confirmed by the members.

Validity

(4) Failure to comply with subsection 3 does not affect the validity of the by-law.

Age of
directors

89.—(1) No person under eighteen years of age shall be a director of a co-operative.

Qualifications

(2) No undischarged bankrupt or mentally incompetent person shall be a director, and, if a director becomes a bankrupt or a mentally incompetent person, he thereupon ceases to be a director.

Consent

(3) A person who is elected or appointed a director is not a director unless,

(a) he was present at the meeting when he was elected or appointed and did not refuse at the meeting to act as director;

(b) where he was not present at the meeting when he was elected or appointed, he consented to act as director in writing before his election or appointment or within ten days thereafter.

Idem

(4) For the purposes of subsection 3, a person who is elected or appointed as director and refuses under clause *a* of subsection 3 or fails to consent under clause *b* of subsection 3 shall be deemed not to have been elected or appointed as a director.

Election of
directors

90.—(1) The directors shall be elected by the members in general meeting, and the election shall be by ballot in the manner prescribed by section 91.

Idem

(2) The election of directors shall take place yearly or at such other interval not exceeding five years as is provided by the articles and all the directors then in office shall retire, but are eligible for re-election.

Continuance
in office

(3) If an election of directors is not held within the prescribed period, the directors continue in office until their successors are elected.

(4) The articles may provide for the election and retire- ^{Rotation}ment of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least two directors shall retire from office in each year.

(5) It shall not be necessary for all directors to hold office ^{Idem} for the same term.

91. Every member entitled to vote at an election of ^{Voting for directors} directors, if he votes, shall cast thereat a number of votes equal to the number of directors to be elected, and the member shall distribute the votes among the candidates in such manner as he sees fit, but no candidate shall receive more than one vote from each member.

92.—(1) Subject to subsection 2, where a vacancy occurs ^{Vacancies} in the board, and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term, but the articles may provide that such vacancy may only be filled by election at a general meeting of the members duly called for that purpose.

(2) Where the number of directors is increased, the vacancies ^{Idem} resulting from such increase shall only be filled by election at a general meeting of the members duly called for that purpose.

(3) When there is not a quorum of directors in office, the ^{Idem, where no quorum} director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any member.

93. Unless the articles or by-laws otherwise provide, a ^{Quorum of directors} majority of the board of directors constitutes a quorum, but in no case shall a quorum be less than two-fifths of the board of directors.

94.—(1) Subject to subsection 2, the meetings of the board ^{Place of meetings} of directors and the executive committee shall be held at the place where the head office of the co-operative is located.

(2) Where the by-laws of the co-operative so provide, the ^{Exception} meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the co-operative a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

(3) Subject to the by-laws of the co-operative, where all ^{Meetings by telephone} the directors have consented thereto, any director may par-

ticipate in a meeting of the board of directors or of the executive committee by means of conference, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

Place of
meetings by
telephone

(4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

Calling
meetings of
directors

95.—(1) In addition to any other provision in the articles or by-laws of a co-operative for calling meetings of directors, a quorum of the directors may, at any time, call a meeting of the directors for the transaction of any business the general nature of which is specified in the notice calling the meeting.

Notice

(2) In the absence of any other provision in that behalf in the by-laws of the co-operative, notice of the time and place for the holding of the meeting called under subsection 1 shall be given to every director of the co-operative by sending the notice by prepaid mail ten days or more before the date of the meeting to his latest address as shown on the records of the co-operative.

Duties

96.—(1) The board of directors shall manage or supervise the management of the affairs and business of the co-operative.

Conduct of
business

(2) Subject to section 97, no business of a co-operative shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

Idem

(3) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

Executive
committee

97.—(1) Where the number of directors of a co-operative is more than six, and if authorized by a by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors.

Quorum

(2) An executive committee may fix its quorum, which shall be not less than a majority of its members.

(3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians.

Conduct of
business

98.—(1) Every director of a co-operative who has, directly or indirectly, any interest in any contract or transaction to which the co-operative or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the co-operative and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the co-operative or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Disclosure by
directors of
interests in
contracts

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless,

Interest
to be
material

(a) the interest and the contract or transaction are both material; or

(b) the subject of the contract or transaction is of a type not available to all members of the co-operative.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the co-operative's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

When
declaration
of interest
to be made

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the co-operative, the director, if he was acting honestly and in good

Effect of
declaration

faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the co-operative or to its members for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interests of the co-operative at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

Confirmation
by members

(5) Notwithstanding anything in this section, a director, if he was acting honestly and in good faith, is not accountable to the co-operative or to its members for any profit or gain realized from any such contract or transaction by reason only of his holding the office of director, and the contract or transaction, if it was in the best interests of the co-operative at the time it was entered into, is not by reason only of the director's interest therein voidable,

- (a) if the contract or transaction is confirmed or approved by at least two-thirds of the votes cast at a general meeting of the members duly called for that purpose; and
- (b) if the nature and extent of the director's interest in the contract or transaction are declared and disclosed in reasonable detail in the notice calling the meeting.

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the co-operative is a sufficient declaration of interest in relation to any contract so made.

Liability of
directors re
purchase of
shares

99.—(1) Where a co-operative acquires any of its shares or repays any of its loans in contravention of this Act or the articles, the directors who voted in favour of or consented to the resolution authorizing the acquisition or repayment are jointly and severally liable to the co-operative to the extent of the amount paid out.

Application
to court

(2) Where a co-operative acquires any of its shares or repays any of its loans in contravention of this Act or the articles,

- (a) any member of the co-operative; or
- (b) where the acquisition or repayment is in contravention of subsection 2 of section 32, subsection 1

of section 67 or section 69, any creditor of the co-operative who was a creditor at the time of the acquisition or repayment,

may apply to the court within two years of the acquisition or repayment and the court may, if it considers it to be just and equitable under the circumstances, make an order making any member whose shares were acquired liable to the co-operative jointly and severally with the directors, to the extent of the amount paid to him.

100. Where any dividend is declared and paid in contra-
vention of section 58, Liability
of directors
re dividends

- (a) the directors who voted in favour of or consented to the resolution authorizing the declaration of the dividend are jointly and severally liable to the co-operative to the extent of the amount of the dividend so declared and paid or such part thereof as renders the co-operative insolvent or diminishes its capital; and
- (b) any member of the co-operative or any creditor of the co-operative who was a creditor at the time of the declaration of the dividend may apply to the court within two years of the declaration, and the court may, if it considers it to be just and equitable under the circumstances, make an order making any member to whom the dividend is paid jointly and severally liable with the directors to the extent of the amount of the dividend paid to him.

101.—(1) A director who was present at a meeting of the
board of directors or an executive committee thereof when, Consent of
director at
meeting

- (a) the redemption or purchase of shares of the co-operative is authorized;
- (b) the declaration and payment of a dividend is authorized; or
- (c) the repayment of loans to members is authorized,

shall be deemed to have consented thereto unless,

- (d) his dissent is entered in the minutes of the meeting;
- (e) he files his written dissent with the person acting as secretary of the meeting before its adjournment; or

- (f) he delivers or sends his dissent by registered mail to the co-operative immediately after the adjournment of the meeting,

and within seven days after complying with clause *d*, *e* or *f* he sends a copy of his dissent by registered mail to the Minister.

Idem

(2) A director who voted in favour of a matter referred to in subsection 1 is not entitled to dissent under subsection 1.

Consent of director not at meeting

(3) A director who was not present at a meeting of the board of directors or any executive committee thereof when,

- (a) the redemption or purchase of shares of the co-operative is authorized;
- (b) the declaration and payment of a dividend is authorized; or
- (c) the repayment of loans to members is authorized,

shall be deemed to have consented thereto unless,

- (d) he delivers or sends to the co-operative by registered mail his dissent; or
- (e) he causes his dissent to be filed with the minutes of the meeting,

within seven days after he becomes aware of the authorization referred to in clause *a*, *b* or *c* and unless, within seven days after complying with clause *d* or *e*, he sends a copy of his dissent by registered mail to the Minister.

Exception to liability

102.—(1) A director is not liable under section 99 or 100 if, in the circumstances, he discharged his duty to the co-operative in accordance with section 108.

Liability not excluded

(2) The liability imposed by this Act upon a director is in addition to any other liability that is by law imposed upon him.

Liability of directors for wages
R.S.O. 1970,
cc. 263, 147

103.—(1) The directors of a co-operative are jointly and severally liable to the employees of the co-operative to whom *The Master and Servant Act* applies for all debts that become due while they are directors for services performed for the co-operative, not exceeding six months wages, and for the vacation pay accrued for not more than twelve months under *The Employment Standards Act* and the regulations thereunder or under any collective agreement made by the co-operative.

(2) A director is liable under subsection 1,

Limitation of
liability

(a) only if,

(i) the co-operative has been sued for the debt within six months after it has become due and execution against the co-operative has been returned unsatisfied in whole or in part, or

(ii) the co-operative has within that period gone into liquidation or has been ordered to be wound up or has made an authorized assignment under the *Bankruptcy Act* (Canada), or a receiving order under the *Bankruptcy Act* (Canada) has been made against it and, in any such case, the claim for the debt has been proved; and

R.S.C. 1970,
c. B-3

(b) he is sued for the debt while he is a director or within two years after he ceases to be a director.

(3) After execution has been so returned against the co-operative, the amount recoverable against the director is the amount remaining unsatisfied on the execution. Idem

(4) If the claim for the debt has been proved in liquidation or winding-up proceedings or under the *Bankruptcy Act* (Canada), a director who pays the debt is entitled to any preference that the creditor paid would have been entitled to or, if a judgment has been recovered for the debt, the director is entitled to an assignment of the judgment. Rights of
director
who pays
the debt

104. The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any person in his stead for the remainder of his term. Removal of
directors

Officers

105.—(1) A co-operative shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors. Officers

(2) In the absence of other provisions in that behalf in the articles or by-laws, the directors, Election and
appointment

(a) shall elect the president from among themselves;

- (b) shall appoint or elect the secretary; and
- (c) may appoint or elect one or more vice-presidents or other officers.

Chairman
of the board

106. A co-operative may by by-law,

- (a) provide for the election or appointment by the directors from among themselves of a chairman of the board;
- (b) define the duties of the chairman;
- (c) assign to the chairman all or any of the duties of the president or of any other officer of the co-operative,

and, if the by-law assigns to the chairman any of the duties of the president, it shall also fix and prescribe the duties of the president.

Qualifica-
tions of
chairman
and president

107. Unless the articles or by-laws otherwise provide, no person shall be the president of a co-opérative unless he is a director of the co-operative, but no other officer except the chairman of the board need be a director.

General

Standard of
care of
directors and
officers

108. Every director and officer of a co-operative shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the co-operative, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Validity of
acts of
directors and
officers

109. An act done by a director or by an officer is not invalid by reason only of any defect that is thereafter discovered in his appointment, election or qualification.

Indemnifica-
tion of
directors and
officers

110.—(1) Subject to subsection 2, the by-laws of a co-operative may provide that every director and officer of the co-operative and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the co-operative from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the co-operative.

(2) No director or officer of a co-operative shall be indemnified by the co-operative in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

(3) A co-operative may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of a contravention of section 108.

INSIDERS

111.—(1) Every insider of a co-operative or associate or affiliate of such insider who, in connection with a transaction relating to the securities of the co-operative, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of the transaction, unless the information was known or ought reasonably to have been known to such person at the time of the transaction, and is also accountable to the co-operative for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of the transaction.

(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action.

(3) In this section,

(a) “associate”, where used to indicate a relationship with any person, means,

- (i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,

- (ii) any partner of that person acting by or for the partnership of which they are both partners,
 - (iii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity,
 - (iv) any spouse, son or daughter of that person, or
 - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;
- (b) "insider" or "insider of a co-operative" means any director or senior officer of a co-operative.

Idem

(4) For the purposes of this section, one corporation shall be deemed to be affiliated with another corporation if, but only if, one of them is the subsidiary of the other.

Order to
commence
action

112.—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 111 or is at the time of the application an owner of securities of the co-operative, the court may, if satisfied that,

- (a) such person has reasonable grounds for believing that the co-operative has a cause of action under section 111; and
- (b) either,
 - (i) the co-operative has refused or failed to commence an action under section 111 within sixty days after receipt of a written request from such person so to do, or
 - (ii) the co-operative has failed to prosecute diligently an action commenced by it under section 111,

make an order, upon such terms as to security for costs and otherwise as to the court seems fit, requiring the Minister to commence or continue an action in the name of and on behalf of the co-operative to enforce the liability created by section 111.

(2) The applicant under subsection 1 shall give to the co-operative and the Minister notice of his application, and the co-operative and the Minister have the right to appear and be heard thereon.

(3) Every order made under subsection 1 shall provide that the co-operative shall co-operate fully with the Minister in the institution and prosecution of the action and shall make available to the Minister all records, documents and other material or information known to the co-operative or reasonably ascertainable by the co-operative relevant to the action.

RECORDS

113.—(1) Where this Act requires a record to be kept by a co-operative, it may be kept in a bound or looseleaf book, or by means of a mechanical, electronic or other device.

(2) Where a record is not kept in a bound book, the co-operative shall,

- (a) take adequate precautions, appropriate to the means used, for guarding against the risk of falsifying the information recorded; and
- (b) provide means for making the information available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the record.

(3) The bound or looseleaf book or, where the record is not kept in a bound or looseleaf book, the information in the form in which it is made available under clause *b* of subsection 2 is admissible in evidence as *prima facie* proof, before and after dissolution of the co-operative, of all facts stated therein.

(4) No person shall remove, withhold or destroy information required by this Act or the regulations to be recorded, or,

- (a) record or assist in recording any information in a record; or
- (b) make information purporting to be accurate available in a form referred to in clause *b* of subsection 2,

knowing it to be untrue.

114. A co-operative shall cause to be kept the following records:

1. A copy of the articles of the co-operative.

2. All by-laws and resolutions, including special resolutions of the co-operative.
3. A register of members and security holders in which is set out the names alphabetically arranged or alphabetically indexed in appropriate categories of,
 - i. in a co-operative with share capital, all persons who are or have been within ten years registered as holders of shares in the co-operative and the address including the street and number, if any, of every such person while a holder, in which are set out also the number and class of shares held by such holder,
 - ii. in a co-operative without share capital, all persons who are or have been within ten years registered as members of the co-operative and the address including the street and number, if any, of every such person while a member,
 - iii. in a co-operative with or without share capital, all persons who are or who have been holders of debt obligations other than debt obligations in bearer form of the co-operative and the address including the street and number, if any, of every such person while a holder in which are set out also the class or series and principal amount of the debt obligations held by such holder.
4. A register of directors in which are set out the names and residence addresses while directors, including the street and number, if any, of all persons who are or have been directors of the co-operative with the several dates on which they have become or ceased to be a director.
5. Proper accounting records in which are set out all financial and other transactions of the corporation including, without limiting the generality of the foregoing, records of,
 - i. all sums of money received and disbursed by the co-operative and the matters with respect to which receipt and disbursement took place,
 - ii. all sales and purchases of the co-operative,
 - iii. the assets and liabilities of the co-operative, and

iv. all other transactions affecting the financial position of the co-operative.

6. The minutes of all proceedings at meetings of members, directors and any executive committee.

115. Every co-operative shall cause to be kept a register of transfers in which all transfers of securities issued by the co-operative in registered form and the date and other particulars of each transfer shall be set out. Register of transfers

116. A co-operative may appoint a registrar and a transfer agent to keep the register of security holders and the register of transfers. Transfer agent

117.—(1) The register of security holders and the register of transfers shall be kept at the head office of the co-operative or at such other office or place in Ontario as is appointed by resolution of the directors. Where registers to be kept

(2) Registration of the transfer of a security of the co-operative in the register of transfers is a complete and valid registration for all purposes. Valid registration

(3) A co-operative, registrar or transfer agent is not liable to produce a security certificate or any document that is evidence of the issue or transfer of the security certificate after six years, Destruction of spent documents

(a) in the case of a share certificate from the date of its cancellation; or

(b) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which the certificate represents a part.

118.—(1) The records mentioned in sections 114 and 115 shall, during the normal business hours of the co-operative, be open to examination by any director and shall, except as provided in section 117 and in subsections 2 and 3 of this section, be kept at the head office of the co-operative. Records open to examination by directors

(2) A co-operative may keep at any place where it conducts its affairs such parts of the accounting records as relate to the operations, business and assets and liabilities of the co-operative carried on, supervised or accounted for at such place, but there shall be kept at the head office of the co-operative or such other place as is authorized under subsection 3 such records as will enable the directors to ascertain quarterly with reasonable accuracy the financial position of the co-operative. Records of account at branch

Order for
removal of
records

(3) Where a co-operative,

- (a) shows, to the satisfaction of the Minister, the necessity of keeping all or any of the records mentioned in subsection 1 at a place other than the head office of the co-operative; and
- (b) gives to the Minister adequate assurance, by surety bond or otherwise, that such records will be open for examination,
 - (i) at the head office or some other place in Ontario designated by the Minister, and
 - (ii) by any person who is entitled to examine them and who has applied to the Minister for such an examination,

the Minister may, by order and upon such terms as he thinks fit, permit the co-operative to keep such of them at such place or places, other than the head office, as he thinks fit and the Minister may by order and upon such terms as he sees fit rescind any such order.

Examination
of records
by members
and creditors

119.—(1) Subject to section 120, the records of a co-operative mentioned in section 114 or 115, other than accounting records, resolutions of directors and the minutes of proceedings at meetings of directors and any executive committee, shall, during the normal business hours of the co-operative and at the place or places where they are kept, be open to examination by the members and creditors or their agents or personal representatives, and any of them may make extracts therefrom.

Idem

(2) No person shall refuse to permit a person entitled thereto to inspect such records or to make extracts therefrom.

Lists of
members
and security
holders

120.—(1) Any member or creditor, upon filing with the co-operative or its agent the affidavit referred to in subsection 2 may,

- (a) make or cause to be made; or
- (b) require a co-operative or its transfer agent to make, upon payment of a reasonable charge therefor,

a list setting out the names alphabetically arranged of all or any members or security holders or both of the co-operative and the addresses of each such person as shown on the records of the co-operative made up to a date not more than ten days before the date of filing the affidavit.

(2) The affidavit referred to in subsection 1 shall be made ^{Form of affidavits} by the applicant and shall be in the following form:

Form of Affidavit

Province of Ontario	}	In the matter of
County of		(Insert name of co-operative)

I,.....of the.....of.....,
in the.....of.....,
make oath and say:

(Where the applicant is a corporation, indicate office and authority of deponent.)

1. I am a member or a creditor of the above-named co-operative.
2. I require the list (or require to make a list) of the members (security holders) of the above-named co-operative.
3. I require the list of members (security holders) only for purposes connected with the above-named co-operative.
4. The list of members (security holders) and the information contained therein will be used only for purposes connected with the above-named co-operative.

SWORN, etc.

(3) Where the applicant is a corporation, the affidavit shall be ^{Idem. where applicant a corporation} made by the president or other officer authorized by resolution of the board of directors of the corporation.

(4) No person shall use a list of all or any of the members ^{Use of list} of a co-operative obtained under this section,

(a) for the purpose of delivering or sending to all or any of the members advertising or other printed matter relating to securities other than the securities of the co-operative; or

(b) for any purpose not connected with the co-operative.

(5) Every co-operative or transfer agent shall furnish a list ^{Duty to furnish} in accordance with subsection 1 when so required.

Purposes
of list

(6) Purposes connected with the co-operative include any effort to influence the voting of members or security holders at any meeting thereof.

Trafficking
in lists

121. No person shall offer for sale or sell or purchase or otherwise traffic in a list or a copy of a list of all or any of the members of a co-operative.

Power of
court to
correct

122.—(1) Where the name of a person is, without sufficient cause, entered in or omitted from the records of a co-operative other than accounting records, or if default is made or unnecessary delay takes place in entering therein the fact of any person having ceased to be a security holder or member of the co-operative, the person aggrieved, or any security holder or member of the co-operative, or the co-operative itself, may apply to the court for an order that the records be rectified, and the court may dismiss such application or make an order for the rectification of the records and may direct the co-operative to compensate the party aggrieved for any damage he has sustained.

Decision
as to title

(2) Any court may, in any proceeding under this section, decide any question relating to the entitlement of a person who is a party to the proceeding to have his name entered in or omitted from such records whether the question arises between two or more security holders or members or alleged security holders or members, or between any security holders or members or alleged security holders or members and the co-operative.

Trial of
issue

(3) The court may direct an issue to be tried.

Jurisdiction
of court not
affected

(4) This section does not deprive any court of any jurisdiction it otherwise has.

AUDITORS AND FINANCIAL STATEMENTS

Exemption
from audit
provisions

123.—(1) Where in a financial year all the members in a co-operative that,

(a) has fifteen or fewer members;

(b) has capital not exceeding \$15,000 as shown on the financial statement of the co-operative for the preceding year; and

(c) has assets not exceeding \$50,000 and sales or gross operating revenues not exceeding \$100,000, as shown on the financial statement of the co-operative for the preceding year,

consent in writing, the co-operative is exempt from sections 124 and 125, subsections 1 and 2 of section 126, section 127 and clause *b* of subsection 1 and subsection 3 of section 128 in respect of the financial year in which the consent is given.

(2) For the purposes of this section, capital shall be computed by adding together the sums represented by the amounts of, <sup>Interpre-
tation
of capital</sup>

- (a) member and patronage loans made to the co-operative that are outstanding;
- (b) issued capital determined in accordance with section 29;
- (c) unsecured long-term debt; and
- (d) surplus,

as shown on the financial statement of the co-operative for the preceding year.

124.—(1) The members of a co-operative at their first ^{Auditors} general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the members fail to do so, the directors shall forthwith make such appointment or appointments.

(2) The members shall at each annual meeting appoint one ^{Idem} or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

(3) The directors may fill any casual vacancy in the office <sup>Casual
vacancy</sup> of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

(4) The members may, by resolution passed by a majority <sup>Removal of
auditor</sup> of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

(5) Before calling a general meeting for the purpose speci- <sup>Notice to
auditor</sup> fied in subsection 4, the co-operative shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to members in connection with the meeting.

Right of
auditor to
make repre-
sentations

(6) An auditor has the right to make to the co-operative, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the co-operative, at its expense, shall forward with the notice of the meeting a copy of such representations to each member entitled to receive notice of the meeting.

Remuner-
ation

(7) The remuneration of an auditor appointed by the members shall be fixed by the members, or by the directors if they are authorized so to do by the members, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment
by court

(8) If for any reason no auditor is appointed, the court may, on the application of a member, appoint one or more auditors to hold office until the close of the next annual meeting and may fix the remuneration to be paid by the co-operative for his or their services.

Notice of
appointment

(9) The co-operative shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Notice to
auditor of
proposal to
appoint
another

125.—(1) If, at an annual meeting of members, it is proposed to appoint an auditor, other than the incumbent auditor, the co-operative shall, fifteen days or more before the mailing of the notice of meeting, give to the incumbent auditor a written notice of management's intention not to recommend his re-appointment at the annual meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed.

Right of
incumbent
auditor to
make rep-
resentations

(2) The incumbent auditor has the right to make to the co-operative, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the co-operative,

at its expense, shall forward with the notice of the meeting a copy of such representations to each member entitled to receive notice of the meeting.

126.—(1) No person shall be appointed or act as auditor of a co-operative who is a director, officer or employee, or who has been, during the two years immediately preceding the proposed date of his appointment as auditor, a director, officer or employee of the co-operative or who is a partner, employer or employee of such director, officer or employee or who is a related person to any director or officer of the co-operative. Persons disqualified as auditors

(2) No person shall be appointed to act as auditor of a co-operative if he or any partner or employer of or related person to him transacts a material amount of business with the co-operative. Idem

(3) No person shall be appointed a receiver or a receiver and manager or liquidator of any co-operative of which he or any partner or employer of or a related person to him is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator. Auditors not to be appointed receivers, etc.

(4) No person who is appointed a trustee of the estate of a co-operative under the *Bankruptcy Act* (Canada) or any partner or employer of or a related person to him shall be appointed or act as auditor of the co-operative. Trustee in bankruptcy not to be auditor
R.S.C. 1970,
c. B-3

127.—(1) The auditor shall make such examination as will enable him to report to the members as required by subsection 2. Annual audit

(2) The auditor shall make a report to the members on the financial statement, other than the part thereof that relates to the period referred to in subclause ii of clause *b* of subsection 1 of section 128, to be laid before the co-operative at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the co-operative and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. Auditor's report

(3) Where the report under subsection 2 does not contain the unqualified opinion required thereby, the auditor shall state in his report the reasons therefor. Idem

(4) Where facts come to the attention of the officers or directors, Facts discovered after statement

- (a) which could reasonably have been determined prior to the date of the last annual meeting of the members ; and
- (b) which if known prior to the date of the last annual meeting of members, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the members under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment
of auditor's
report

(5) On the receipt of facts furnished under subsection 4 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 3 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the members.

Idem

(6) If the financial statement contains a statement of changes in net assets or a statement of source and application of funds, the auditor shall include in his report a statement whether in his opinion, in effect, the statement of changes in net assets or the statement of source and application of funds presents fairly the information shown therein.

Idem

(7) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a co-operative are included in the financial statement of the co-operative, the report of the auditor of the co-operative required by subsection 2 may refer to the reports of auditors of one or more of such subsidiaries, but such reference shall not derogate from the duty of the auditor of the co-operative to comply with subsection 2.

Idem

(8) The auditor in his report shall make such statements as he considers necessary,

- (a) if the co-operative's financial statement is not in agreement with its accounting records ;
- (b) if the co-operative's financial statement is not in accordance with the requirements of this Act ;
- (c) if he has not received all the information and explanations that he has required ; or
- (d) if proper accounting records have not been kept, so far as appears from his examination.

(9) The auditor of a co-operative has right of access at all times to all records, documents, accounts and vouchers of the co-operative and is entitled to require from the directors, officers and employees of the co-operative such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. Right of access, etc.

(10) The auditor of a co-operative has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the co-operative and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. Idem

(11) Where a subsidiary referred to in subsection 10 is a corporation to which this Act does not apply, the co-operative shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanation required by subsection 10. Idem

(12) The auditor of a co-operative is entitled to attend any meeting of members of the co-operative and to receive all notices and other communications relating to any such meeting that a member is entitled to receive, and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor may attend members' meetings

(13) Any member of a co-operative, whether or not he is entitled to vote at meetings of members, may, by notice in writing to the co-operative given five days or more before any meeting of members, require the attendance of the auditor at such meeting at the co-operative's expense, and in such event the auditor shall attend the meeting. Member may require auditor's attendance at members' meeting

(14) At any meeting of members, the auditor, if present, shall answer inquiries directed to him concerning the bases upon which he formed the opinion stated in the report made under subsection 2. Auditors must answer inquiries

128.—(1) The directors shall lay before each annual meeting of members, Information to be laid before annual meeting

(a) a comparative financial statement relating separately to,

(i) the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the

co-operative has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, and

- (ii) the period covered by the financial year next preceding such latest completed financial year, if any,

made up of,

- (iii) a statement of profit and loss for each period,
- (iv) a statement of surplus for each period,
- (v) a statement of patronage returns allocated to members during the year,
- (vi) a statement of source and application of funds for each period, and
- (vii) a balance sheet as at the end of each period;

(b) the report of the auditor to the members; and

(c) such further information respecting the financial position of the co-operative as the articles or by-laws of the co-operative require.

Designation
of
statements

(2) It is not necessary to designate the statements referred to in subsection 1 as the statement of profit and loss, statement of surplus, statement of patronage returns, statement of source and application of funds and balance sheet.

Auditor's
report to
be read

(3) The report of the auditor to the members shall be read at the annual meeting and shall be open to inspection at the meeting by any member.

Statement
of profit
and loss

129.—(1) The statement of profit and loss to be laid before an annual meeting shall be drawn up so as to present fairly the results of the operations of the co-operative for the period covered by the statement and so as to distinguish severally at least,

- (a) sales or gross operating revenue;
- (b) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;

- (c) income from investments in subsidiaries whose financial statements are not consolidated with those of the co-operative;
- (d) income from other investments;
- (e) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;
- (f) any provision for depreciation or for obsolescence or for depletion;
- (g) amounts written off for goodwill or amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;
- (h) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense; and
- (i) taxes on income imposed by any taxing authority,

and shall show the net profit or loss for the financial period.

(2) Notwithstanding subsection 1, items of the nature^{Idem} described in clauses *f* and *g* of subsection 1 may be shown by way of note to the statement of profit and loss.

130.—(1) The statement of surplus to be laid before an annual meeting shall be drawn up so as to present fairly the transactions reflected in the statement and shall show separately a statement of contributed surplus and a statement of earned surplus.^{Statement of surplus}

(2) The statement of contributed surplus shall be drawn up so as to include and distinguish at least the following items:^{Contributed surplus}

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period including,
 - i. the amount of surplus arising from the issue of shares or the reorganization of the co-operative's issued capital, including *inter alia*,

- a. the amount of premiums received on the issue of shares at a premium,
 - b. the amount of surplus realized on the purchase of shares,
- ii. donations of cash or other property by members,
- iii. the amount of patronage returns allocated to members, and
- iv. the amount of membership fees.
- 3. The balance of such surplus at the end of the financial period.

Earned
surplus

(3) The statement of earned surplus shall be drawn up so as to distinguish at least the following items:

- 1. The balance of such surplus at the end of the preceding financial period.
- 2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:
 - i. The amount of the net profit or loss for the financial period.
 - ii. The amount of dividends declared on each class of shares.
 - iii. The amount transferred to or from reserves.
- 3. The balance of such surplus at the end of the financial period.

Treatment
of patronage
returns

131. Where a co-operative allocates patronage returns, the statement referred to in subclause v of clause a of subsection 1 of section 128 shall be drawn up to distinguish patronage returns according to services or products or groups of products acquired, marketed, handled, dealt in or sold or rendered by the customer or by the co-operative and such statement shall be so drawn as to present fairly the information shown therein for the period and show separately for members and non-members the amount of patronage returns allocated to each service, product or groups of products.

132. The statement of source and application of funds referred to in subclause vi of clause *b* of subsection 1 of section 128 shall be drawn up so as to present fairly the information shown therein for the period, and shall show separately at least,

- (a) funds derived from,
 - (i) current operations,
 - (ii) sale of non-current assets, segregating investments, fixed assets and intangible assets,
 - (iii) issue of debt obligations, including member loans, or other indebtedness maturing more than one year after issue,
 - (iv) issue of shares,
 - (v) membership fees; and
- (b) funds applied to,
 - (i) purchase of non-current assets, segregating investments, fixed assets and intangible assets,
 - (ii) redemption or other retirement of debt obligations or repayment of other indebtedness maturing more than one year after issue,
 - (iii) redemption or other retirement of shares,
 - (iv) payment of dividends,
 - (v) repayment of patronage loans,
 - (vi) payment of cash patronage returns, and
 - (vii) repayment of member loans.

133.—(1) The balance sheet to be laid before an annual meeting shall be drawn up so as to present fairly the financial position of the co-operative as at the date to which it is made up and so as to distinguish severally at least the following:

1. Cash.
2. Debts owing to the co-operative from its directors, officers or members, except debts of reasonable amount

arising in the ordinary course of its business that are not overdue having regard to its ordinary terms of credit.

3. Debts owing to the co-operative, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the co-operative.
4. Other debts owing to the co-operative segregating those that arose otherwise than in the ordinary course of its business.
5. Inventory, stating the basis of valuation.
6. Shares, bonds, debentures and other investments owned by the co-operative, except those referred to in paragraph 7, stating their nature and the basis of their valuation and showing separately those that are marketable with a notation of their market value.
7. Securities of subsidiaries whose financial statements are not consolidated with those of the co-operative, stating the basis of valuation.
8. Lands, buildings and plant and equipment, stating the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and, if such appraisal took place within five years preceding the date to which the balance sheet is made up, the disposition in the accounts of the co-operative of any amounts added to or deducted from such assets on appraisal and also the amount or amounts accumulated in respect of depreciation, obsolescence and depletion.
9. There shall be stated under separate headings, in so far as they are not written off,
 - i. expenditures on account of future business,
 - ii. any expense incurred in connection with any issue of shares,
 - iii. any expense incurred in connection with any issue of debt obligations, including any discount thereon, and
 - iv. any one or more of the following: goodwill, franchises, patents, copyrights, trade marks

and other intangible assets and the amount, if any, by which the value of any such assets has been written up within a period of five years preceding the date to which the balance sheet is made up.

10. Bank loans and overdrafts.
11. Debts owing by the co-operative, except those referred to in paragraphs 12 and 13, on loans from its directors, officers or members.
12. Debts owing by the co-operative on loans from members, called "member loans" referred to in section 49.
13. Debts owing by the co-operative to members on the compulsory loans of patronage returns referred to in subsection 4 of section 56.
14. Debts owing by the co-operative to subsidiaries whose financial statements are not consolidated with those of the co-operative, whether on account of a loan or otherwise.
15. Other debts owing by the co-operative, segregating those that arose otherwise than in the ordinary course of its business.
16. Liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss.
17. Dividends declared but not paid.
18. Deferred income.
19. Debt obligations issued by the co-operative, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any.
20. The authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof.
21. The issued capital, giving the number of shares of each class issued and outstanding and the amount

received therefor that is attributable to capital, and showing,

- i. the number of shares of each class issued since the date of the last preceding balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration, and
- ii. where any shares issued before this Act comes into force have not been fully paid,
 - a. the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
 - b. the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid.

22. Contributed surplus.

23. Earned surplus.

24. Reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period.

25. The aggregate number of shares of the co-operative purchased and resold since the date of the last preceding balance sheet.

Notes

(2) Explanatory information or particulars of any item mentioned in subsection 1 may be shown by way of note to the balance sheet.

Notes to
financial
statement

134.—(1) There shall be stated by way of note to the financial statement particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the profit or loss for the period.

Change in
accounting
practice

(2) For the purpose of subsection 1, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a state-

ment with that for the preceding period, even though such change did not have a material effect upon the profit or loss for the period.

(3) Where applicable, the following matters shall be referred ^{Idem} to in the financial statement or by way of note thereto:

1. The basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed.
2. Foreign currency restrictions that affect the assets of the co-operative.
3. Contractual obligations that will require abnormal expenditures in relation to the co-operative's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts.
4. Material contractual obligations in respect of long-term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction.
5. Contingent liabilities, stating their nature and, where practicable, the approximate amounts involved.
6. Any liability secured otherwise than by operation of law on any asset of the co-operative, stating the liability so secured.
7. Any default of the co-operative in principal, interest, sinking fund or redemption provisions with respect to any issue of its debt obligations or credit agreements.
8. The gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid.
9. Where a co-operative has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option.
10. Where a co-operative has contracted to purchase or resell common shares, the number of shares affected and price and date for the purchase or resale.

11. The aggregate direct remuneration paid or payable by the co-operative and its subsidiaries whose financial statements are consolidated with those of the co-operative to the directors and the senior officers and, as a separate amount, the aggregate direct remuneration paid or payable to such directors and senior officers by the subsidiaries of the co-operative whose financial statements are not consolidated with those of the co-operative.
12. In the case of a co-operative with subsidiaries, the aggregate of any shares in, and the aggregate of any debt obligations of, that co-operative held by a subsidiary corporation whose financial statements are not consolidated with those of the co-operative.
13. The amount of any loans by the co-operative, or by a subsidiary corporation, otherwise than in the ordinary course of business, during the co-operative's financial period, to the directors or officers of the co-operative.
14. Any restriction by the articles or by-laws of the co-operative or by contract on the payment of dividends that is significant in the light of the co-operative's financial position.
15. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.
16. The amount of any obligation for pension benefits arising from service before the date of the balance sheet, whether or not such obligation has been provided for in the accounts of the co-operative, the manner in which the co-operative proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operations.
17. Brief particulars of any action to which the co-operative is a party commenced under section 68 during the period.
18. In the case of a co-operative that transacts business with non-members,
 - (i) where the amount of business transacted with non-members exceeds 20 per cent, a statement setting out the percentage of such business, or

- (ii) where the amount of business transacted with non-members does not exceed 20 per cent, a statement to this effect.

(4) A note to a financial statement is a part of it.

Idem

(5) In this section, "senior officer" does not include each of the five highest paid employees of a co-operative.

Interpre-
tation of
of senior
officer

135.—(1) A co-operative, in this section referred to as "the holding co-operative", may include in the financial statement to be submitted at an annual meeting the assets and liabilities and income and expense of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in such financial statement that it is presented in consolidated form.

Consolidated
financial
statement

(2) Where the assets and liabilities and income and expense of any one or more subsidiaries of the holding co-operative are not so included in the financial statement of the holding co-operative,

Non-
consolidated
financial
statement

(a) the financial statement of the holding co-operative shall include a statement setting forth,

- (i) the reason why the assets and liabilities and income and expense of such subsidiary or subsidiaries are not included in the financial statement of the holding co-operative,
- (ii) if there is only one such subsidiary, the amount of the holding co-operative's proportion of the profit or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding co-operative, or, if there is more than one such subsidiary, the amount of the holding co-operative's proportion of the aggregate profits less losses, or losses less profits, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding co-operative,
- (iii) the amount included as income from such subsidiary or subsidiaries in the statement of profit and loss of the holding co-operative and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries,

- (iv) if there is only one such subsidiary, the amount of the holding co-operative's proportion of the undistributed profits of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding co-operative to the extent that such amount has not been taken into the accounts of the holding co-operative, or, if there is more than one such subsidiary, the amount of the holding co-operative's proportion of the aggregate undistributed profits of all the subsidiaries earned since the acquisition of their shares by the holding co-operative less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding co-operative,
 - (v) any qualifications contained in the report of the auditor of any such subsidiary on its financial statement for the financial period ending as aforesaid, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the co-operative's own financial statement and is material from the point of view of its members;
- (b) if for any reason the directors of the holding co-operative are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding co-operative, the directors who sign the financial statement shall so report in writing and their report shall be included in the financial statement in lieu of the statement;
- (c) if, in the opinion of the auditor of the holding co-operative, adequate provision has not been made in the financial statement of the holding co-operative for the holding co-operative's proportion,
- (i) where there is only one such subsidiary, of the loss of the subsidiary suffered since acquisition of its shares by the holding co-operative, or

- (ii) where there is more than one such subsidiary, of the aggregate losses suffered by the subsidiaries since acquisition of their shares by the holding co-operative in excess of its proportion of the undistributed profits, if any, earned by any of the subsidiaries since such acquisition,

the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor.

(3) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a holding co-operative are included in the financial statement of the holding co-operative, true copies of the latest financial statement of the subsidiary or subsidiaries shall be kept on hand by the holding co-operative at its head office and shall be open to examination by the members of the holding co-operative on request during the normal business hours of the holding co-operative. Copies of subsidiary statement

136. Notwithstanding sections 129 to 135, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance. Insignificant circumstances

137. In a financial statement, the term “reserve” shall be used to describe only, Reserve

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from earned surplus pursuant to the articles or by-laws of the co-operative for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fulfilled.

138.—(1) The directors of a co-operative may elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three Audit committee

directors, of whom a majority shall not be officers or employees of the co-operative to hold office until the next annual meeting of the members.

Chairman (2) The members of the audit committee shall elect a chairman from among their number.

Review (3) The co-operative shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors.

Hearing of auditor (4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem (5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matters the auditor believes should be brought to the attention of the directors or members.

Right of auditor to be heard (6) The auditor of a co-operative shall be entitled to attend and be heard at meetings of the board of directors of the co-operative on matters relating to his duties as auditor.

Approval by directors **139.**—(1) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report, unless the co-operative is exempt under section 123, shall be attached to or accompany the financial statement.

Rights of auditor where no audit committee (2) The auditor of a co-operative that has not elected an audit committee for the year to which the financial statement relates, is entitled,

(a) to receive notice of and to attend the meeting of directors called to approve the financial statement under subsection 1; and

(b) to request a meeting of the board of directors of the co-operative to consider any matters the auditor believes should be brought to their attention, and upon his request, the president of the co-operative shall convene such a meeting.

Mailing of financial statement to members **140.**—(1) A co-operative shall, twenty-one days or more before the date of the annual meeting of members, send by prepaid mail to each member at his latest address as shown

on the records of the co-operative a copy of the financial statement and, subject to section 123, a copy of the auditor's report.

(2) The directors of such co-operative shall send by prepaid mail to each such member a copy of any financial statement and auditor's report amended under subsections 4 and 5 of section 127. Idem

141.—(1) A co-operative shall file with the Minister its financial statements and, subject to section 123, a copy of its auditor's report that are required to be mailed by the co-operative to its members. Financial statements to be filed with Minister

(2) The financial statements and auditor's report where required, shall be sent to the Minister on the same date such statements are mailed or required to be mailed by the co-operative to its members, whichever is the earlier. Idem

MAINTENANCE OF CO-OPERATIVE STATUS

142.—(1) Upon the request of the Minister, every co-operative shall furnish to the Minister such information as he may require to enable him, Information to be furnished to Minister

- (a) to compile statistical records and information in such form as the Minister may require;
- (b) to facilitate the carrying on of research projects;
- (c) to establish that all persons to whom this Act applies are not in contravention of this Act; and
- (d) to establish that the business and affairs of the co-operative are being conducted on a co-operative basis.

(2) The Minister or any employee in the Ministry shall not disclose any information contained in a return made under subsection 1, except where that disclosure is necessary for the administration or enforcement of this Act or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. Information not to be disclosed

143. Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, he may, after giving the co-operative an opportunity to be heard, issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation with share capital. Affairs not conducted on co-operative basis

R.S.O. 1970,
c. 53

Limit to
non-member
business

144.—(1) Where the Minister is of the opinion that a co-operative has for a period of three years or longer, conducted 50 per cent or more of its business with non-members of that co-operative he may after giving the co-operative an opportunity to be heard, order that a certificate of amendment be issued changing the co-operative into a corporation that is subject to the provisions of *The Business Corporations Act* and, where necessary for the purpose, changing the co-operative into a corporation with share capital.

R.S.O. 1970,
c. 53

Idem

(2) For the purposes of subsection 1, the amount of business conducted by a co-operative with a non-member means the value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative, on behalf of or for the non-members expressed as a percentage of the total value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative from, on behalf of, or for all customers during the year.

Idem

(3) For the purposes of computing the amount of business under subsection 2, there shall not be included in the amount of business conducted with non-members, the value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the co-operative from, on behalf of or for non-members who are required to conduct business with the co-operative by a marketing plan established under an Act of the Legislature or of the Parliament of Canada.

Members
not to
number
fewer
than five

145.—(1) If a co-operative exercises its corporate powers when its members are fewer in number than five for a period of more than six months after the number has been so reduced, each person who was a member of the co-operative during the time that it so exercised its corporate powers after such period of six months and is aware of the fact that it so exercised its corporate powers is severally liable for the payment of the whole of the debts of the co-operative contracted during such time and may be sued for the debts without the joinder in the action of the co-operative or of any other member.

Saving

(2) A member who has become aware that the co-operative is so exercising its corporate powers may serve a protest in writing on the co-operative and may by registered letter notify the Minister of such protest having been served and of the facts upon which it is based, and such member may thereby and not otherwise, from the date of his protest and notification, exonerate himself from liability.

Notice and
penalty

(3) If after notice from the Minister the co-operative refuses or neglects to bring the number of its members up to five or more, such refusal or neglect may be regarded by the

Minister as sufficient cause for the cancellation of the certificate of incorporation or any certificate issued by him under this Act.

INVESTIGATIONS

146.—(1) Upon application by a member of a co-operative, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the co-operative or the holders of its securities to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as to the court seems fit, appointing an inspector to investigate the affairs and management of the co-operative or any subsidiary of the co-operative, or both, and to audit the accounts and records of the co-operative or any affiliate thereof named in the order. Investigations and audits

(2) An order may be made under subsection 1 whether or not there has been disclosure to the members of the co-operative of information relating to any matter on the basis of which the order is made. Idem

(3) Every director, officer, agent, employee, banker and auditor of the co-operative or of any subsidiary of the co-operative named in the order and every other person shall produce for the examination of the inspector all accounts and records of or relating to the co-operative or subsidiary in their custody or control. Production of accounts and records

(4) The inspector may examine upon oath any present or former director, officer, agent or employee of the co-operative or subsidiary in relation to its affairs, management, accounts and records. Examination may be under oath

(5) The court may, on the application of the inspector, on such terms and conditions as it sees fit, order any person not mentioned in subsection 4 to attend and be examined under oath before the inspector on any matter relevant to the investigation or audit. Court order for examination

(6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or 5 who refuses to answer any question related to the affairs and management of the co-operative or any subsidiary is guilty of an offence under section 176, in addition to any other liability to which he is subject. Offences

(7) The inspector shall make a report to the court and shall forward a copy of the report to the co-operative and any Inspector's report

subsidiary of the co-operative named in the order and to the person who made the application under subsection 1.

Co-operative
may appoint
inspector
for same
purpose

147.—(1) A co-operative may, by resolution passed at an annual meeting of members or a general meeting of members called for that purpose, appoint an inspector to investigate its affairs and management.

Powers and
duties of
inspector

(2) The inspector appointed under subsection 1 has the same powers and shall perform the same duties as an inspector appointed under section 146 and he shall make his report in such manner and to such persons as the co-operative by resolution of the members directs.

Where
Minister
to appoint
inspector

148.—(1) Notwithstanding anything contained in section 146 or 147, the Minister shall appoint in writing an inspector to investigate and report on the affairs and management of a co-operative or its subsidiaries if 10 per cent of the members of the co-operative request in writing such investigation and show circumstances suggesting that,

- (a) the business of the co-operative or any of its subsidiaries is or has been carried on with intent to defraud any person;
- (b) the business or affairs of the co-operative or any of its subsidiaries are or have been carried on or conducted, or the powers of the directors are or have been exercised, in a manner oppressive or unfairly prejudicial to or in disregard of the interests of a security holder;
- (c) the co-operative or any of its subsidiaries was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose; or
- (d) persons concerned with the formation, business or affairs of the co-operative or any of its subsidiaries have in connection therewith acted fraudulently or dishonestly.

Idem

(2) The Minister may on his own initiative appoint in writing an inspector to investigate and report on the affairs and management of a co-operative or its subsidiaries if it appears that there exist any of the circumstances mentioned in clause *a*, *b*, *c* or *d* of subsection 1.

Production
of accounts
and records

(3) Every person shall produce for the examination of the inspector all accounts and records in their custody or control which relate to the co-operative or any of its subsidiaries.

(4) The inspector may examine upon oath any present or former director, officer, agent or employee of the co-operative or any of its subsidiaries in relation to its affairs, management, accounts and records. Examination may be under oath

(5) Upon an application to the court by the inspector, the court may, on such terms and conditions as it sees fit, order any person not mentioned in subsection 4 to attend and be examined under oath before the inspector on any matter relevant to the investigation. Court order for examination

(6) Every director, officer, agent, employee, banker or auditor who refuses to produce any account or record referred to in subsection 3 and every person examined under subsection 4 or 5 who refuses to answer any question related to the affairs and management of the co-operative or any of its subsidiaries is guilty of an offence under section 176 in addition to any other liability to which he is subject. Offences

(7) The inspector shall deliver the report of his investigation to the Minister and the Minister may forward a copy of the report to the co-operative and any subsidiary of the co-operative investigated. Report to be made to Minister

149. Where it appears from the report of an inspector made under section 146, 147 or 148 that any of the circumstances set out in clause *a*, *b*, *c* or *d* of subsection 1 of section 148 exist, the Minister may, notwithstanding any other remedies available, Remedies

- (a) apply under clause *d* of section 217 of *The Business Corporations Act* to wind up the co-operative by order of the court; R.S.O. 1970, c. 53
- (b) cancel the certificate of incorporation for cause under section 166;
- (c) require, or apply to the court for an order under section 78 requiring, the directors of the co-operative to call a general meeting of members; or
- (d) refer the report of the inspector to the Attorney General.

150. A copy of the report of an inspector appointed under this Act authenticated by the registrar of the court or in the case of an investigation under section 147 or 148 by the inspector is admissible in any legal proceeding and is evidence of the opinion of the inspector in relation to any matter contained in the report. Report admissible in proceedings

REORGANIZATION

Amendment of Articles

Amendments **151.**—(1) A co-operative may, from time to time, amend its articles of incorporation to,

- (a) change its name;
- (b) extend, limit or otherwise vary its objects;
- (c) increase its authorized capital;
- (d) decrease its authorized capital by cancelling shares whether issued or unissued or by reducing the par value of issued or unissued shares;
- (e) increase or decrease the membership fee;
- (f) increase or decrease the minimum amount of member loans;
- (g) redivide its authorized capital into shares of lesser or greater par value;
- (h) redesignate any class of shares;
- (i) reclassify any shares into shares of a different class;
- (j) delete or vary any provision in its articles;
- (k) provide for any other matter or thing that is authorized by this Act to be set out in the articles or that could be the subject of a by-law of the co-operative;
- (l) convert it into a co-operative with or without share capital;
- (m) convert it into a corporation to which *The Business Corporations Act* applies.

R.S.O. 1970.
c. 53

Authoriza-
tion

(2) An amendment under subsection 1, except clauses *l* and *m*, shall be authorized by a special resolution.

Idem

(3) Subject to section 152, an amendment under clause *l* or *m* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed by at least three-quarters of the members of the co-operative entitled to vote at such meeting.

(4) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of preference shares or to create preference shares, ranking in any respect in priority to or on a parity with an existing class of preference shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

Additional
authorization
for
variation of
rights of
preference
shares

- (a) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or
- (b) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the co-operative and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the co-operative; or
- (c) if the articles so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose or such greater proportion of the votes cast as the articles provide,

and by such additional authorization as the articles provide.

152.—(1) Notwithstanding subsection 3 of section 151, where a co-operative is no longer able to conduct its business and affairs on a co-operative basis by reason of the provisions of an Act of the Legislature or of the Parliament of Canada, the co-operative may apply to the Minister for a certificate of amendment converting the co-operative to a corporation to which *The Business Corporations Act* applies and, where necessary, for the purpose, changing the co-operative into a corporation with share capital.

Conversion
of co-
operative to
corporation

R.S.O. 1970,
c. 53

(2) An application under subsection 1 shall be authorized by special resolution.

Authoriza-
tion

153.—(1) For the purpose of bringing an amendment to the articles into effect, the co-operative shall deliver to the Minister, within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the co-operative and signed by two officers, or by

Articles of
amendment

one director and one officer, of the co-operative and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

- (a) the name of the co-operative;
- (b) a certified copy of the resolution;
- (c) that the amendment has been duly authorized as required by subsections 2, 3 and 4 of section 151; and
- (d) the date of the confirmation of the resolution by the members.

Change
of name

(2) Where the articles of amendment are to change the name of the co-operative, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the co-operative is not insolvent.

Decrease
of capital

(3) Where the articles of amendment are to decrease the authorized capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the co-operative is not insolvent and that the decrease will not render the co-operative insolvent, and, if required by the Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment.

Pro forma
balance
sheet

(4) Where the articles of amendment are to make any change in the authorized capital, the articles of amendment shall, if required by the Minister, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change.

Certificate of
amendment

154.—(1) If the articles of amendment conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the co-operative or its agent a certificate of amendment to which he shall affix the other duplicate.

Effect of
certificate

(2) The amendment becomes effective upon the date set forth in the certificate of amendment and the articles of incorporation are amended accordingly.

Restatement of Articles

155.—(1) A co-operative may at any time restate its Restatement of articles articles of incorporation as theretofore amended.

(2) For the purposes of bringing the restated articles into Filing of restatement effect, the co-operative shall deliver to the Minister the restated articles in duplicate, executed under the seal of the co-operative and signed by two officers, or by one director and one officer, of the co-operative and verified by affidavit of one of the officers or directors signing the restated articles, setting out,

(a) all the provisions that are then set out in the original articles of incorporation as theretofore amended; and

(b) a statement that the restated articles correctly set out without change the corresponding provisions of the original articles as theretofore amended.

(3) If the restated articles of incorporation conform to law, Certificate of restatement the Minister shall, when all prescribed fees have been paid,

(a) endorse on each duplicate of the restated articles the word "Filed" and the day, month and year of the filing thereof;

(b) file one of the duplicates in his office; and

(c) issue to the co-operative or its agent a restated certificate of incorporation to which he shall affix the other duplicate.

(4) The restated articles of incorporation become effective Effect of certificate upon the date set forth in the restated certificate and supersede the original articles of incorporation and all amendments thereto.

Amalgamations and Continuations

156.—(1) Any two or more co-operatives may amalgamate Amalgamation and continue as one co-operative.

(2) The co-operative proposing to amalgamate shall enter Agreement into an agreement for the amalgamation, prescribing its terms and conditions of the amalgamation and the mode of carrying the amalgamation into effect, and, in particular the agreement shall set out, as may be applicable,

(a) the name of the amalgamated co-operative;

- (b) the objects of the amalgamated co-operative;
- (c) the place in Ontario where the head office of the amalgamated co-operative is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district, and giving the street and number, if any;
- (d) the authorized capital of the amalgamated co-operative, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share;
- (e) where there are to be preference shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions applying to them or each class of them;
- (f) the restrictions, if any, to be placed on the transfer of member loans or of its shares or any class thereof of the amalgamated co-operative;
- (g) the authorized loan capital of the amalgamated co-operative;
- (h) the amount of membership fee and the classes of membership, if any, setting forth the designation of and the terms and conditions attaching to each class of membership in the amalgamated co-operative;
- (i) the names in full and the residence address, giving the street and number, if any, of each person who is to be a first director of the amalgamated co-operative;
- (j) the time and manner of election of the subsequent directors of the amalgamated co-operative;
- (k) whether or not the by-laws of the amalgamated co-operative are to be those of one of the amalgamating co-operatives, and, if not, a copy of the proposed by-laws of the amalgamated co-operative;
- (l) the manner in which the issued shares of each of the amalgamating co-operatives are to be converted into issued shares of the amalgamated co-operative;
- (m) the manner of conversion of the loan and share capital, as the case may be, of the amalgamating

co-operatives into the loan and share capital, as the case may be, of the amalgamated co-operative;

- (n) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and operation of the amalgamated co-operative;

(3) Where shares of one of the amalgamating co-operatives are held by or on behalf of another of the amalgamating co-operatives, the amalgamation agreement shall provide for the cancellation of such shares upon the amalgamation becoming effective without any repayment of capital in respect thereof, and no provision shall be made in the agreement for the conversion of such shares into shares of the amalgamated co-operative.

Shares of amalgamating co-operative held by another

(4) The member or patronage loans, if any, of the amalgamating co-operatives shall represent liabilities of the amalgamated co-operative.

Treatment of patronage loans

(5) An amalgamation agreement is not effective until approved by a special resolution of each of the amalgamating co-operatives.

Approval of agreement

(6) Where the carrying out of the amalgamation agreement would result in the deletion or variation of a preference, right, condition, restriction, limitation or prohibition attaching to a class of issued preference shares of any of the amalgamating co-operatives or in the creation of preference shares of the amalgamated co-operative ranking in any respect in priority to, or on a parity with, any existing class of preference shares of any of the amalgamating co-operatives, the agreement is not effective until it is approved in the manner provided by subsection 4 of section 151 in addition to the approval required by subsection 4.

Approval by preference shareholders

157.—(1) For the purpose of bringing an amalgamation into effect, the amalgamating co-operatives shall, within six months after the amalgamation agreement has become effective, deliver to the Minister articles of amalgamation in duplicate executed under the seal of each of the amalgamating co-operatives and signed by two officers, or by one director and one officer, of each of the amalgamating co-operatives and verified by affidavit of one of the officers or directors signing the articles of amalgamation for each amalgamating co-operative, setting out,

Filing of articles of amalgamation

- (a) the names of each of the amalgamating co-operatives;

- (b) a certified copy of the amalgamation agreement;
- (c) that the agreement has been duly approved as required by section 156; and
- (d) the dates on which the amalgamation agreement was approved by the members of each of the amalgamating co-operatives.

Evidence of
solvency

(2) The articles of amalgamation shall be accompanied by evidence that establishes to the satisfaction of the Minister that each of the amalgamating co-operatives is not insolvent and, if required by the Minister, a *pro forma* balance sheet after giving effect to the proposed amalgamation.

Issuance of
certificate of
amalgama-
tion

(3) If the articles of amalgamation conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the amalgamated co-operative or its agent a certificate of amalgamation to which he shall affix the other duplicate.

Effect of
certificate

(4) Upon the date set forth in the certificate of amalgamation,

- (a) the amalgamation becomes effective and the amalgamating co-operatives are amalgamated and continue as one co-operative under the terms and conditions prescribed in the amalgamation agreement;
- (b) the amalgamated co-operative possesses all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the amalgamating co-operatives;
- (c) the issued capital of the amalgamated co-operative is, subject to the decrease provided for in subsection 3 of section 156, equal to the aggregate of the issued capital of each of the amalgamating co-operatives immediately before the amalgamation becomes effective; and
- (d) the articles of incorporation of each of the amalgamating co-operatives are amended to the extent

necessary to give effect to the terms and conditions of the amalgamation agreement.

158.—(1) A corporation incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it had been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper. Certificate of continuation

(2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the corporation to the same extent as if it had been incorporated under this Act. Effect of certificate

159.—(1) A co-operative may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the co-operative as if it had been incorporated under the laws of that other jurisdiction. Transfer of Ontario co-operative

(2) This Act ceases to apply to the co-operative on and after the date on which the co-operative is continued under the laws of the other jurisdiction and the co-operative shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. Notice

(3) This section applies only in respect of a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. Application

160. All rights of creditors against the property, rights and assets of a co-operative amalgamated under section 156 or continued under section 158 and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the co-operative thenceforth attach to the amalgamated or continued co-operative and may be enforced against it. Rights of creditors preserved

DISSOLUTION

161. Sections 201 to 246, except clause *a* of subsection 1 of section 231, of *The Business Corporations Act* apply, *mutatis mutandis*, to co-operatives, and for the purpose a reference Winding up
R.S.O. 1970,
c. 53

therein to a corporation shall be deemed to be a reference to a co-operative and a reference therein to a shareholder shall be deemed to be a reference to a member.

Distribution
of property

162.—(1) On any distribution of the property of a co-operative, member loans and patronage returns that are lent to the co-operative rank after the ordinary debts.

Distribution
of property
upon
dissolution

(2) The articles of a co-operative may provide that, upon the dissolution of the co-operative and after the payment of all debts and liabilities, including any declared and unpaid dividends and the amount paid up on outstanding shares, if any, the remaining property of the co-operative or any part thereof may be distributed or disposed of,

- (a) equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member; or
- (b) to charitable organizations.

Idem

(3) In the absence of any provisions in the articles, upon the dissolution of the co-operative, the whole of its remaining property shall be distributed equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member.

Voluntary
dissolution

163. A co-operative may be dissolved upon the authorization of,

- (a) a majority of the votes cast at a general meeting of the members of the co-operative duly called for the purpose or by such other proportion of the votes cast as the articles provide, but such other proportion shall not be less than 50 per cent of all the members entitled to vote at the meeting;
- (b) the consent in writing of all the members entitled to vote at such meeting; or
- (c) all its incorporators or their personal representatives at any time within two years after the date set forth in its certificate of incorporation where the co-operative has not commenced business and has not issued any shares or received any membership fees or loans.

Articles of
dissolution
where
co-operative
active

164.—(1) For the purpose of bringing the dissolution authorized under clause *a* or *b* of section 163 into effect, the co-operative shall deliver to the Minister within one year

after the authorization, articles of dissolution in duplicate, executed under the seal of the co-operative and signed by two officers or by one director and one officer, of the co-operative and verified by affidavit of one of the officers or directors signing the articles of dissolution, setting out,

- (a) the name of the co-operative;
- (b) that its dissolution has been duly authorized under clause *a* or *b* of section 163;
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for in accordance with subsection 3 or its creditors or other persons having interests in its debts, obligations or liabilities consent to its dissolution;
- (d) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute among its members or that it has distributed its remaining property in accordance with section 162 or in accordance with subsection 4 where applicable;
- (e) that there are no proceedings pending in any court against it; and
- (f) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario, where it has its head office.

(2) For the purpose of bringing a dissolution authorized under clause *c* of section 163 into effect, the co-operative shall deliver to the Minister articles of dissolution in duplicate, signed by all its incorporators or their personal representatives and verified by affidavit of one of them setting out,

Articles of
dissolution
where co-
operative
never active

- (a) the name of the co-operative;
- (b) the date set forth in its certificate of incorporation;
- (c) that the co-operative has not commenced business;
- (d) that none of its shares has been issued;
- (e) that no membership fees or loans have been received;

- (f) that dissolution has been duly authorized under clause *c* of section 163;
- (g) that it has no debts, obligations or liabilities;
- (h) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute or that it has distributed its remaining property to the persons entitled thereto;
- (i) that there are no proceedings pending in any court against it; and
- (j) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its head office.

Where
creditor
unknown

(3) Where a co-operative authorizes its dissolution and a creditor is unknown or his whereabouts is unknown, the co-operative may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and such payment shall be deemed to be due provision for the debt for the purposes of clause *c* of subsection 1.

Where
member or
shareholder
unknown

(4) Where a co-operative authorizes its dissolution and a member is unknown or his whereabouts is unknown, it may, by agreement with the Public Trustee, deliver or convey his share of the property to the Public Trustee to be held in trust for him, and such delivery or conveyance shall be deemed to be a distribution to that member for the purposes of the dissolution.

Power to
consent

(5) If the property delivered or conveyed to the Public Trustee under subsection 4 is in a form other than cash, the Public Trustee may at any time, and within ten years after such delivery or conveyance shall, convert it into cash.

Payment
to person
entitled

(6) If the amount paid under subsection 3 or the property delivered or conveyed under subsection 4 or its equivalent in cash, as the case may be, is claimed by the person beneficially entitled thereto within ten years after it was so delivered, conveyed or paid, it shall be delivered, conveyed or paid to him, but, if not so claimed, it vests in the Public Trustee for the use of Ontario, and, if the person beneficially entitled thereto at any time thereafter establishes his right thereto to the satisfaction of the Lieutenant Governor in Council, an amount equal to the amount so vested in the Public Trustee shall be paid to him.

165.—(1) If the articles of dissolution conform to law, ^{Certificate of dissolution} the Minister shall, when all prescribed fees have been paid and all taxes payable by the co-operative to the Treasurer of Ontario have been paid,

- (a) endorse on each duplicate of the articles of dissolution the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the co-operative or its agent a certificate of dissolution to which he shall affix the other duplicate.

(2) The dissolution becomes effective and the co-operative ^{Effect of certificate} is dissolved upon the date set forth in the certificate of dissolution.

166. Where sufficient cause is shown to the Minister, he ^{Cancellation of certificate, etc., by Minister} may, after he has given the co-operative an opportunity to be heard, by order, upon such terms and conditions as he thinks fit, cancel a certificate of incorporation or any certificate issued by him under this Act, and,

- (a) in the case of the cancellation of a certificate of incorporation, the co-operative is dissolved on the date fixed in the order;
- (b) in the case of the cancellation of any other certificate, the matter that became effective upon the issuance of the certificate ceases to be in effect from the date fixed in the order.

167.—(1) Where a co-operative is in default in filing an ^{Notice of dissolution} annual return or financial statement for a period of two years, the Minister may give notice, by registered mail to the co-operative or by publication once in *The Ontario Gazette*, that an order dissolving the co-operative will be issued unless the co-operative files the annual return or financial statement within one year after the giving of the notice.

(2) Upon default in compliance with the notice given under ^{Dissolution for default} subsection 1, the Minister may by order cancel the certificate of incorporation and, subject to subsection 3, the co-operative is dissolved on the date fixed in the order.

(3) Where a co-operative is dissolved under subsection 2, ^{Revival} the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such

terms and conditions as he sees fit to impose, revive the co-operative, and thereupon the co-operative, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Suits after
dissolution

168.—(1) Notwithstanding the dissolution of a co-operative under section 165, 166 or 167,

- (a) any action, suit or other proceeding commenced by or against the co-operative before its dissolution may be proceeded with as if the co-operative had not been dissolved;
- (b) any action, suit or other proceeding may be brought against the co-operative within two years after its dissolution as if the co-operative had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the co-operative had not been dissolved remains available for such purpose.

Service after
dissolution

(2) For the purposes of this section, the service of any process on a co-operative after its dissolution shall be deemed to be sufficiently made if it is made upon any person last shown on the records of the Ministry as being a director or officer of the co-operative before the dissolution.

Liability of
members to
creditors

169.—(1) Notwithstanding the dissolution of a co-operative, each of the members among whom its property has been distributed remains liable to its creditors to the extent of the amount received by him upon the distribution, and an action in a court of competent jurisdiction to enforce such liability may be brought against him within two years from the date of the dissolution and not thereafter.

Action
against one
member as
representing
class

(2) Where there are numerous members, the court referred to in subsection 1 may permit an action to be brought against one or more members as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such members as are found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined.

170. Subject to section 168, any real or personal property of a co-operative that has not been disposed of at the date of its dissolution is forfeit to the Crown. Forfeiture of undispensed property

171. At the same time as a co-operative is required to file its financial statements with the Minister under subsection 2 of section 141, the co-operative shall also file an annual return in such form as the regulations prescribe. Annual return

GENERAL

172.—(1) Subject to the articles or by-laws of a co-operative, Notice to directors and members

(a) a notice or other document required to be given or sent by a co-operative to a member or director may be delivered personally or sent by prepaid mail addressed to the member or director at his latest address as shown on the records of the co-operative; and

(b) a notice or other document sent by mail by a co-operative to a member or director shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail.

(2) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a co-operative to a member have been mailed to the member at his latest address as shown on the records of the co-operative and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the co-operative, the co-operative is not required to mail to the member any further notices or other documents until such time as the co-operative receives written notice from the member requesting that notices and other documents be sent to the member at a specified address. Undelivered mail

(3) Except where otherwise provided in this Act, a notice or document required to be given or sent to a co-operative may be sent to the co-operative by prepaid mail at its head office as shown on the records of the Ministry and shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail. Notice to co-operative

(4) Where a notice is required by this Act to be given to any person, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of such person, whether before or after the time prescribed. Waiver of notice and abridgement of time

Offence,
false
statement

173.—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Defence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Offence,
failure
to file

174.—(1) Every person who fails to file with the Minister any document required by this Act to be filed with him is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Idem

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Consent

175. No proceeding under section 173 or 174 shall be commenced except with the consent or under the direction of the Minister.

Offence,
general

176.—(1) Except where otherwise provided, every person who commits an act contrary to or fails or neglects to comply with any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Idem

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Limitation

177.—(1) No proceeding under section 173 or 174 or under section 176 for a contravention of section 118 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him.

(2) Subject to subsection 1, no proceeding for an offence ^{Idem} under this Act or the regulations shall be commenced more than one year after the time when the subject-matter of the offence arose.

178. Where a co-operative or a director, officer or employee ^{Order for compliance} of a co-operative does not comply with any provision of this Act, the articles or the by-laws of the co-operative, the Minister or a member or a creditor of the co-operative, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, may apply to the court for an order directing the co-operative, director, officer or employee, as the case may be, to comply with such provision, and upon such an application the court may make such order or such other order as the court thinks fit.

179.—(1) The Minister may require any fact relevant to ^{Proof by affidavit} the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

(2) For the purpose of holding a hearing under this Act, ^{Oaths at hearings} the Minister may administer oaths to witnesses and require them to give evidence under oath.

180. The Minister shall cause notice to be published forth- ^{Publication of notices in The Ontario Gazette} with in *The Ontario Gazette*,

(a) of the issue of every certificate under section 6, 9, 154, 155, 157, 158 or 165;

(b) of the issue of every order under section 118, 166 or 167;

(c) of the filing of a certified copy of an order under subsection 6 of section 215 or subsection 2 of section 228 of *The Business Corporations Act*;

R.S.O. 1970,
c. 53

(d) of the filing of a notice by a liquidator under subsection 2 of section 215 of *The Business Corporations Act*.

181.—(1) Upon payment of the prescribed fee, any person ^{Searches} is entitled to examine any document filed with or issued by the Minister under this Act, and to make extracts therefrom.

(2) Upon payment of the prescribed fee, the Minister shall ^{Certifications by Minister} furnish any person with a certificate as to whether or not a document has been filed with or issued by him under this Act or any predecessor thereof or with a certified copy of any such document.

Execution of
certificates
of Minister

182.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations.

Certificates
as evidence

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate.

Notice of
refusal
to file

183.—(1) Where the Minister refuses to file any articles or any other document required by this Act to be filed by him before it becomes effective, he shall give written notice to the person who delivered the articles or other document of his refusal, specifying the reasons therefor.

Failure to
act deemed
refusal

(2) Where, within six months after the delivery to the Minister of articles or other document referred to in subsection 1, the Minister has not filed or refused to file such articles or other document, he shall be deemed for the purposes of section 184 to have refused to file it.

Appeal from
Minister

184.—(1) Any person who feels aggrieved by a decision of the Minister to,

- (a) refuse to file articles or any other document or to issue any certificate required by this Act to be filed or issued;
- (b) issue or refuse to issue a certificate of amendment under subsection 2, 3 or 4 of section 9;
- (c) issue a certificate of amendment under section 143, 144 or 152;
- (d) issue an order under section 166,

may appeal the decision to the Supreme Court.

Certificate
of Minister

(2) The Minister shall certify to the Registrar of the Supreme Court,

- (a) the decision of the Minister, together with a statement of the reasons therefor;
- (b) the record of any hearing; and

(c) all written submissions to the Minister or other material that is relevant to the appeal.

(3) The Minister is entitled to be heard, by counsel or ^{Representation} otherwise, upon the argument of an appeal under this section.

(4) Where an appeal is taken under this section, the Supreme ^{Order of} Court may by its order direct the Minister to make such decision or to do such other act as the Minister is authorized and empowered to do under this Act and as the court thinks proper, having regard to the material and submissions before it and to this Act, and the Minister shall make such decision or do such act accordingly.

(5) Notwithstanding an order of the Supreme Court, the Minister has power to make any further decision upon new ^{Minister may make further decision} material or where there is a material change in the circumstances, and every such decision is subject to this section.

185. An appeal lies to the Court of Appeal from any ^{Appeal from court} order made by the court under this Act.

186. The Lieutenant Governor in Council may make ^{Regulations} regulations respecting any matter that he considers necessary relating to the incorporation, conduct and dissolution of co-operatives including, without limiting the generality of the foregoing, regulations,

- (a) respecting names, objects, authorized capital, the form and contents of offering statements, membership, the designations, preferences, rights, conditions, restrictions, limitations, or prohibitions attaching to shares or classes of shares or any other matter pertaining to articles or the filing thereof;
- (b) requiring the payment of fees for any matter that the Minister is required or authorized to do under this Act, and prescribing the amounts thereof;
- (c) prescribing any matter required by this Act to be prescribed by the regulations;
- (d) designating officers of the Ministry for the purposes of paragraph 4 of subsection 1 of section 1 and section 182.

187.—(1) For three years after this Act comes into force ^{Continuance of letters patent, etc.} any provision in the letters patent, supplementary letters patent or by-laws and any special resolution of the co-operative that was valid immediately before this Act comes

into force, except a provision that contravenes section 110, continues to be valid and in effect but any additions or amendments to or deletions from any provision in the letters patent, supplementary letters patent or by-laws of a co-operative shall be made in accordance with this Act.

Continuance
re shares
not fully
paid
R.S.O. 1970,
c. 89.

(2) For three years after this Act comes into force the provisions of *The Corporations Act* relating to the liability of the holder of shares that are not fully paid and to the enforcement of such liability continue to apply in respect of shares that are not fully paid.

Commence-
ment

188. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

189. This Act may be cited as *The Co-operative Corporations Act, 1972*.

The Co-operative Corporations Act, 1972

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

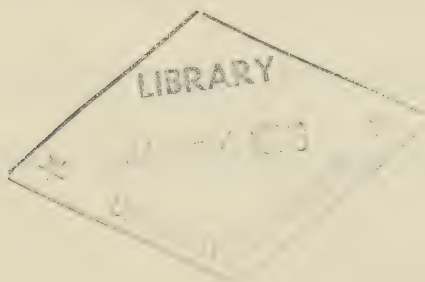
THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Sale of Goods Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a privity of contract between the buyer of goods and the manufacturer where the manufacturer creates a warranty that is intended to accompany the goods.

BILL 259

1972

An Act to amend The Sale of Goods Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Sale of Goods Act*, being chapter 421 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:
 - (2) Where a manufacturer creates a warranty, either expressly or by oral representation, that is intended to accompany his goods in a contract of sale between a retail seller and a buyer, the warranty shall create a privity of contract between the manufacturer and the buyer as if the manufacturer himself were the seller even though the warranty is not part of the contract of sale. Privity of contract
 - (3) A clause or statement in a contract of sale, the effect of which is intended to negative the rights, duties, liabilities and obligations created by this Act, is void. Certain clauses and statements void
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Sale of Goods Amendment Act, 1972*. Short title

An Act to amend
The Sale of Goods Act

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

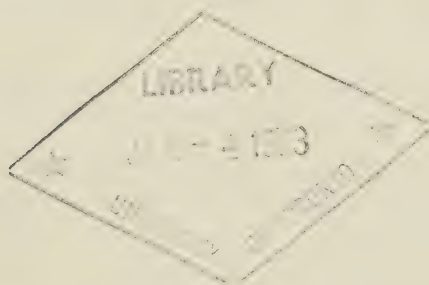
MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO Legislative
21 ELIZABETH II, 1972

An Act to amend The Consumer Protection Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill prevents the use of cut-off and disclaimer clauses in contracts of sale and provides for penalties when they are used.

BILL 260

1972

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42a of *The Consumer Protection Act*, being chapter ^{s. 42a, amended} 82 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 24, section 1, is amended by adding thereto the following subsections:

- (3) No lender shall insert a clause or statement in a ^{Certain clauses prohibited} contract of sale, the effect of which is to purport to give to an assignee any greater rights or fewer obligations, liabilities or duties than the lender.
- (4) Notwithstanding subsections 1 and 2 of section 48, ^{Offence} every lender who contravenes subsection 3 is guilty of an offence and on summary conviction is liable to a fine of \$500 or an amount equal to 25 per cent of the face value of the contract of sale whichever is the lesser.
- (5) Subsections 1 and 2 of section 48 do not apply to an ^{Idem} offence committed under subsection 4.

2. Section 44a of the said Act, as enacted by the Statutes ^{s. 44a, amended} of Ontario, 1971, chapter 24, section 2, is amended by adding thereto the following subsections:

- (3) Notwithstanding subsections 1 and 2 of section 48, ^{Offence} every seller who includes a term or acknowledgment in a contract of sale or collateral warranty which term or acknowledgment purports to negative or vary the effect of any implied condition or warranty applying to the contract of sale or collateral warranty is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

- Idem (4) Subsections 1 and 2 of section 48 do not apply to an offence committed under subsection 3.
- Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Consumer Protection Amendment Act, 1972*.

An Act to amend
The Consumer Protection Act

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

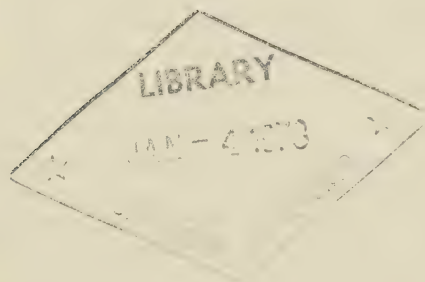
MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO 11
21 ELIZABETH II, 1972

An Act to amend The Medical Act

Mr. Roy



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides the Minister of Health with the right of appeal.

BILL 261

1972

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 43 of *The Medical Act*, being s. 43 (1), chapter 268 of the Revised Statutes of Ontario, 1970, is re-enacted repealed and the following substituted therefor:

(1) The Minister of Health or any member aggrieved ^{Appeals} may appeal,

(a) from the order of the discipline committee in a case that the committee has fully disposed of, to a judge of the Supreme Court, at any time within thirty days from the date of the order complained of with a further right of appeal to the Court of Appeal from the order of the judge; and

(b) from the orders of the discipline committee and the Council in a case that the discipline committee has referred to the Council for determination of the penalty, to a judge of the Supreme Court at any time within thirty days from the date of the order of the Council with a further right of appeal to the Court of Appeal from the order of the judge.

(2) Subsection 3 of the said section 43 is repealed and ^{s. 43 (3), re-enacted} the following substituted therefor:

(3) The Minister of Health or the College may appeal ^{Idem} to the Court of Appeal from an order of a judge of the Supreme Court at any time within thirty days from the date of the order.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Medical Amendment Act*, ^{Short title} 1972.

An Act to amend
The Medical Act

1st Reading

December 12th, 1972

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

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-B 56

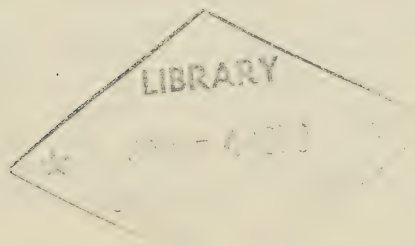
BILL 262

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Credit Unions Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The amendment replaces the guarantee fund, which is based on a percentage of profits, with a requirement that full provision be made for possible losses on loans, other accounts receivable and investments.

BILL 262

1972

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 4 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is amended by striking out "other than the guarantee fund" in the third and fourth lines. s. 4 (2) (c),
amended

2. Section 30 of the said Act is repealed and the following substituted therefor: s. 30,
re-enacted

30.—(1) Every credit union in computing its annual profits shall make full provision for, Provision
for losses
and accrued
interest

(a) all doubtful loans, other doubtful receivables and losses on investments; and

(b) all interest accruing on deposits.

(2) A credit union may by resolution establish a reserve fund or funds and may transfer to such fund or funds out of earnings from time to time such amounts as the Board of Directors may by resolution direct provided that such resolution shall not become effective until it has been confirmed by a vote of two-thirds of the members present or represented at a meeting duly called for considering it. Establish-
ment of
reserve fund

(3) A credit union shall apply its guarantee fund required by section 30 of *The Credit Unions Act*, as it existed before the 31st day of December, 1972, to ensure provision is made as required by clause *a* of subsection 1 and the surplus then remaining in the guarantee fund shall be held as a reserve fund. Use of
guarantee
fund

Use of reserve fund	(4) The disposition of any amounts held in a reserve fund established under subsection 3 is subject to the written consent of the Director.
Funding of provision for losses	(5) Where the balance standing to the credit of the guarantee fund on the 30th day of December, 1972 is insufficient to provide the full amount required to be provided for under clause <i>a</i> of subsection 1, the credit union may either fund the deficiency over a period not exceeding three years in annual amounts approved by the Director or charge the deficiency against the balance standing to the credit of undivided earnings at that date.
Regulations	(6) The Lieutenant Governor in Council may make regulations prescribing the minimum amounts that may be considered as making adequate allowance for the provision referred to in clause <i>a</i> of subsection 1.
s. 31, amended	3. Section 31 of the said Act is amended by striking out "and the credit union shall set aside a reserve fund, adjusted annually, in the amount of the interest accruing on such deposits" in the third, fourth and fifth lines.
Commence- ment	4. This Act comes into force on the 31st day of December, 1972.
Short title	5. This Act may be cited as <i>The Credit Unions Amendment Act, 1972</i> .

An Act to amend
The Credit Unions Act

1st Reading

December 13th, 1972

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

(Government Bill)

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B 56

BILL 262

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO .
21 ELIZABETH II, 1972

An Act to amend The Credit Unions Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 262

1972

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 4 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is amended by striking out "other than the guarantee fund" in the third and fourth lines. s. 4 (2) (c),
amended

2. Section 30 of the said Act is repealed and the following s. 30,
re-enacted substituted therefor:

30.—(1) Every credit union in computing its annual profits shall make full provision for, Provision
for losses
and accrued
interest

(a) all doubtful loans, other doubtful receivables and losses on investments; and

(b) all interest accruing on deposits.

(2) A credit union may by resolution establish a reserve fund or funds and may transfer to such fund or funds out of earnings from time to time such amounts as the Board of Directors may by resolution direct provided that such resolution shall not become effective until it has been confirmed by a vote of two-thirds of the members present or represented at a meeting duly called for considering it. Establish-
ment of
reserve fund

(3) A credit union shall apply its guarantee fund required by section 30 of *The Credit Unions Act*, as it existed before the 31st day of December, 1972, to ensure provision is made as required by clause *a* of subsection 1 and the surplus then remaining in the guarantee fund shall be held as a reserve fund. Use of
guarantee
fund

- | | |
|---------------------------------------|---|
| Use of
reserve
fund | (4) The disposition of any amounts held in a reserve fund established under subsection 3 is subject to the written consent of the Director. |
| Funding of
provision
for losses | (5) Where the balance standing to the credit of the guarantee fund on the 30th day of December, 1972 is insufficient to provide the full amount required to be provided for under clause <i>a</i> of subsection 1, the credit union may either fund the deficiency over a period not exceeding three years in annual amounts approved by the Director or charge the deficiency against the balance standing to the credit of undivided earnings at that date. |
| Regulations | (6) The Lieutenant Governor in Council may make regulations prescribing the minimum amounts that may be considered as making adequate allowance for the provision referred to in clause <i>a</i> of subsection 1. |
| s. 31,
amended | 3. Section 31 of the said Act is amended by striking out "and the credit union shall set aside a reserve fund, adjusted annually, in the amount of the interest accruing on such deposits" in the third, fourth and fifth lines. |
| Commence-
ment | 4. This Act comes into force on the 31st day of December, 1972. |
| Short title | 5. This Act may be cited as <i>The Credit Unions Amendment Act, 1972</i> . |

An Act to amend
The Credit Unions Act

1st Reading

December 13th, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

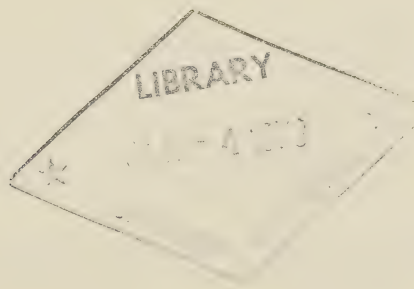
BILL 263

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO *leg*
21 ELIZABETH II, 1972

An Act to amend The Consumer Protection Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides the buyer with a two-day period in which to accept or repudiate a sale made at a jam auction.

BILL 263

1972

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Consumer Protection Act*, being chapter ^{s. 1,} 82 of the Revised Statutes of Ontario, 1970, as amended by ^{amended} the Statutes of Ontario, 1971, chapter 50, section 23 and 1972, chapter 1, section 35, is further amended by adding thereto the following clause:

(ja) “jam auction” means a sale where a person, directing his attention toward a specific group or crowd of prospective buyers, solicits them to make offers of money for goods and leads them to believe, either by representation or implication that they may, after the transaction is completed, receive back their money or any portion thereof.

2. The said Act is amended by adding thereto the following ^{s. 47a,} section: ^{enacted}

47a.—(1) Where a seller solicits, negotiates or arranges for ^{Repudiation} a sale at a jam auction, the buyer may repudiate the ^{of certain} sale within two days of the sale transaction by ^{transactions} returning the goods to the seller’s place of business during normal business hours, and the buyer is not liable for any damages in respect of such repudiation.

(2) Where a buyer repudiates a sale under subsection 1, ^{Duties upon} the seller shall return any moneys received or realized ^{repudiation} in respect of the sale.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Consumer Protection* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Consumer Protection Act

1st Reading

December 13th, 1972

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 iii

**An Act for granting to Her Majesty certain additional
sums of money for the Public Service for the fiscal
year ending the 31st day of March, 1973**

THE HON. C. MACNAUGHTON
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 264

1972

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1973; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$6,125,217,500 granted by *The Supply Act, 1972*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$205,574,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1972, to the 31st day of March, 1973, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based.

\$205,574,500
granted for
fiscal year
1972-73
1972, c. 130

(2) Where, in the fiscal year ending the 31st day of March, 1973, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by

certificate of the Management Board of Cabinet to the Ministry administered by the Minister to whom the powers and duties are so assigned and transferred.

- Accounting for expenditure **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Supply Act, 1972 (No. 2)*.

SCHEDULE

Ministry of Agriculture and Food	\$ 10,000,000
Ministry of Colleges and Universities	2,735,000
Ministry of Community and Social Services	2,750,000
Ministry of Correctional Services	1,832,000
Ministry of Education	4,100,000
Ministry of the Environment	18,500,000
Ministry of Government Services	10,102,000
Ministry of Health	66,000,000
Ministry of Natural Resources	10,882,000
Ministry of Revenue	47,979,500
Ministry of Transportation and Communications	5,694,000
Ministry of Treasury, Economics and Intergovernmental Affairs	25,000,000
	<hr/>
	\$ 205,574,500
	<hr/>

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

1st Reading

December 13th, 1972

2nd Reading

December 13th, 1972

3rd Reading

December 13th, 1972

THE HON. C. MACNAUGHTON
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs



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